

U.S. Department  
of Transportation

United States  
Coast Guard



Commandant  
United States Coast Guard

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COMDTINST 5800.6  
29 AUG 1995

## COMMANDANT INSTRUCTION 5800.6

Subj: LEGAL PROGRAM DESCRIPTION, DIRECTIONS, AND BUSINESS PLAN

Ref: (a) Planning and Programming Manual - Volume I, COMDTINST M16010.1B

1. PURPOSE. This instruction promulgates the Legal Program Description, Direction, and Business Plan documents for 1993-1994, enclosures (1) through (3), to the members of the Coast Guard Legal Program. These documents will guide all of our program activities, at every organizational level, in carrying out our legal support mission.
2. ACTION. Area and district commanders; commanders, maintenance and logistics commands; Superintendent, Coast Guard Academy; division and special staff chiefs, Office of Chief Counsel; commanding officers of units with assigned legal officers; and all legal personnel shall ensure compliance with the provisions of this instruction.
3. DISCUSSION.
  - a. Enclosure (1), the Legal Program Description, is a management tool to describe the existing Legal Program. It is also a "snapshot" of how effective we are in providing legal service. It contains sections which outline current resource utilization, standards of performance, and measures of effectiveness. The Legal Program Description provides a basis for in-depth review of our program when considering resource allocation and

reviewing or evaluating Coast Guard legal activities. The Legal Program Description is updated as needed by Commandant (G-LPD), in accordance with reference (a). In the past, distinctions have been made between "program" and "nonprogram" legal personnel. In many cases this has proven awkward and contrary to the goals of Total Quality Management (TQM), teamwork, and "reinventing government" initiatives. Accordingly, future references to "legal program personnel" will include all Coast Guard personnel functioning in legal capacities. In addition, all Coast Guard legal personnel--regardless of "program distinctions"-- recognize and have a responsibility to the General Counsel as the paramount legal authority for the Department of Transportation, and to the Chief Counsel as the paramount legal authority for the Coast Guard.

- b. Enclosure (2), the Legal Program Direction, is a planning document that outlines where the Program is headed. It is an assessment of where the Legal Program must go in order to meet the Commandant's Strategic Goals, while keeping in mind internal and external trends. It is a dynamic look ahead at the program 5-15 years in the future and is meant to raise strategic issues and challenge previous assumptions. The Legal Program Direction also represents our principal input to the Chief of Staff for programming and budgeting processes; and links us with the most senior Coast Guard leadership's vision and goals. The Legal Program Direction is updated in the fall of every "odd numbered" year by Commandant (G-LPD) in accordance with reference (a).
- c. Enclosure (3), the G-L Business Plan Foundation/Issues/Development(1994-95)(1994 Legal Officers Conference Follow-up Document) is an historically relevant summary of the issues, TQM recommendations, review comments, and actions with respect to important issues facing the legal program. This document served as a foundation for the development of the Legal Program Business Plan.
- d. Enclosure (4), the Legal Program Business Plan, is what gives life to the planning system. While the Program Description describes the program, and the Program Direction says where the program is headed, the Business Plan outlines how it is going to get there. It is an action plan derived from the Program Description, Program Direction, Legal Officers Conference(s), TQM efforts, etc. Management at all levels of the Legal Program must incorporate enclosures (1) through (4)-- with special emphasis on the Business Plan--into the day-to-day activities and focus of the legal -- organization. The Business Plan, in particular, is an

evolving and living document which will require periodic adjustment. It will eventually list those activities needed to attain the strategic goals contained in the Program Direction. The Legal Program Business Plan is reviewed quarterly and formally updated in the fall of every "odd numbered" year by Commandant (G-LPD) in accordance with reference (a).

4. RESPONSIBILITIES.

- a. All legal program personnel, at all levels of the organization, will focus their program efforts as outlined in enclosures (1) through (4), with special emphasis on the Business Plan, TQM continuous improvement, and measurement activities. All legal program personnel will make themselves and their subordinates available to serve on focus groups, natural working groups, quality action teams, etc., in order to accomplish the plan of action.
- b. In addition, Commandant (G-LPD) will coordinate this effort for the Legal Program, update enclosures (1) through (4) as necessary, monitor the standards of performance through measures of effectiveness and otherwise provide program oversight.
- c. Finally, all chiefs of legal offices (e.g., HQ divisions and special staffs, MLC's, districts, and "bases") are invited and strongly encouraged to provide Commandant (G-LPD) with an "Annual Performance Report" (i.e., a brief 1 or 2-page letter report) by 31 December yearly. This voluntary report may highlight legal office measurement and other efforts to accomplish the desired actions contained in the planning documents, enclosures (1) through (4). This report may also make recommendations for continuous improvement in the Legal Program.

5. REQUIRED REPORTS. NONE.

/s/ J. E. SHKOR  
Chief Counsel

- Encl: (1) Legal Program Description, 1995  
(2) Legal Program Direction, 1995  
(3) G-L Business Ln Foundation/Issues/Development (1994-95)(1994 Legal Officers Conference Follow-up Document)  
(4) Legal Program Business Plan, 1995

# UNITED STATES COAST GUARD

## CHIEF COUNSEL



## LEGAL PROGRAM DESCRIPTION

1995

PREPARED: D. Gary Beck DATE: 16 June 1995  
D. GARY BECK  
CAPT, USCG  
Chief, Legal Policy & Program Development Division

APPROVED: R. B. Helsel DATE: 8/29/95  
R. B. HELSEL  
Deputy Chief Counsel  
Legal Program Manager

APPROVED: J. E. Shkor DATE: 8/29/95  
J. E. SHKOR  
RADM, USCG  
Chief Counsel  
Legal Program Director

## **I. PROGRAM STATEMENT**

### **EXECUTIVE SUMMARY**

The Legal Program provides a full range of high quality legal services for the Coast Guard--aimed at assuring that the operations and activities of the Service are legally consistent with the requirements of law and the rulings of higher authority. The Chief Counsel serves as the principal legal advisor to the Commandant, furnishing advice and opinions as to the legal implications and consequences of actions proposed or taken by the Coast Guard. The Chief Counsel also serves as the permanent Chairman of the Marine Safety Council and manager of the civil penalty assessment program. The responsibilities of the Office of Chief Counsel include: developing Coast Guard legislative proposals that may be enacted into law as well as reviewing other Con-gressional or Agency action that may impact the Coast Guard; providing legal support for developing, revising, and reviewing regulations affecting the public; guiding, advising, and representing the Coast Guard in the process of government procurement and acquisition; acting for the General Counsel of the Department of Transportation, who is the Judge Advocate General of the Coast Guard, in administering the Coast Guard's military justice program, in accordance with the Uniform Code of Military Justice, the Manual for Courts Martial, and other applicable statutes, regulations, and case law; providing advice concerning a broad range of general legal topics (i.e., fiscal matters, personnel issues, release of information, standards of conduct and ethics, pay and retirement, real and personal property, actions on administrative investigations, etc.); adjudicating and litigating claims for or against the Coast Guard; counseling and advising on the applicability and impact of existing and proposed statutes, regulations, treaties, international conventions, and established doctrines of maritime and international law upon Coast Guard operations (e.g., drug interdiction, immigration, customs, fisheries enforcement, search and rescue, military readiness, port security, ports and waterways safety, commercial vessel safety, marine environmental protection, boating safety and acilitation of navigation); representing Coast Guard interests at international forums and interagency meetings; overseeing Coast Guard environmental law and compliance activities; and administering an effective legal policy-making, planning, programming, and budgeting system within the Office of Chief Counsel. See The Coast Guard Organization Manual, COMDTINST M5400.7D. at pp.2.7.1-2.7.28.

The need for Legal Program support is based upon the national need for the Coast Guard--for national security, law enforcement, maritime safety, environmental protection, and more. Statutory authority for the Legal Program is found in numerous areas of law, including Titles 5, 8, 10, 14, 16, 18, 19, 21, 28, 31, 33, 41, 42, 46, 49, and 50 of the United States Code, as well as the U.S. Constitution and various federal regulations, public laws, executive orders, etc. See Coast Guard Legal Authorities, COMDTPUB P5850.2.

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The Legal Program cuts across and supports all Coast Guard Programs. To do this effectively we must maintain the in-house capability to provide sufficient trained, experienced, dedicated, and effective lawyers and staff to support the needs of the Coast Guard. The Legal Program, though very lean in personnel resources, is highly capable of providing the necessary legal services for today's Coast Guard. This is accomplished through a highly qualified and skilled cadre of military and civilian attorneys and staff assigned to legal billets at headquarters and throughout the field.

### **VISION**

We are a motivated and skilled law firm, committed to excellence, providing the highest quality legal services in a timely manner, engendering client and customer confidence and respect.

### **MISSION**

The Office of Chief Counsel provides high quality legal advice and support for the men and women who carry out the varied functions of the Coast Guard to ensure that the operations and activities of the Service conform to the spirit as well as the letter of the law. We provide legal advice and support both to the persons responsible for directing and managing Coast Guard programs and to the Coast Guard persons affected by them. As appropriate, we also advise outside entities having oversight of or support for the Service. We are guided by the Constitution of the United States, International Treaties to which the United States is a party, statutes and regulations, judicial precedent, and rulings and directives from higher authorities. Our advice and support includes matters affecting military and civilian personnel; domestic and international operational activities of the Coast Guard; legislative and regulatory initiatives; procurement of supplies, equipment, and services; protection of the environment; and the disposition of claims for and against the Coast Guard.

### **THE GUIDING PRINCIPLES**

1. We hold ourselves to high professional and ethical standards.
2. We provide quality, timely legal advice.
3. We provide objective, independent counsel in the execution of Coast Guard missions.
4. We support our clients and advocate their interests within an acceptable legal framework.
5. We have a genuine concern for our people and operate in an atmosphere of mutual respect.
6. We allow and support our attorneys to do independent legal work, and to prevent and solve client problems.
7. We encourage professional development.

## **II. PROGRAM RESOURCES**

The Legal Program is personnel intensive. It especially requires the professional expertise of lawyers. Attorneys (officer and civilian), paralegal professionals (CWO and civilian), and clerical staff (enlisted and civilian) are the primary resources used to accomplish the Legal Program's mission. For the structure of billets/positions engaged in providing legal services, see Attachment A.

In addition, suitable office spaces (i.e., private offices for attorneys with adjoining open offices for staff), including adequate room for reception of clients and the execution, review, or copying of documents, are required to accomplish the provision of legal services. Other required resources include: Access to fully staffed and up-to-date law libraries and resource materials containing general legal and specialized references; access to electronic data based legal research services (e.g., LEXIS, NEXIS, LEGIS SLATE, etc.); office automation equipment and services (e.g., CG standard workstations, printers, laptop computers, the LAWS database, C.G.LAW, the Legal Document Retrieval System (CD-ROM), MSIS, facsimile machines, copy machines, full range of telephone services, etc.); access to conference rooms; access to court rooms; etc. Finally, to provide superior legal services we require sufficient travel funds (e.g., attorney travel, witness travel, public hearing travel, etc.) as well as training/conference funds, to maintain a high skill level and to continue the legal education of attorneys and staff in an ever changing legal and political environment.

## **III. PROGRAM OBJECTIVES/PROGRAM STANDARDS**

1. **OBJECTIVE:** Provide the highest quality, timely services for supporting Coast Guard operations by providing advice and counsel on the applicability and impact of existing and proposed statutes, treaties, international conventions, and established doctrines of maritime and international law upon Coast Guard operations, including: drug interdiction, illegal migrant interdiction, fisheries enforcement, customs law enforcement, search and rescue, military readiness, port security, ports and waterways safety, commercial vessel safety, marine environmental protection, boating safety, facilitation of navigation, centralized oversight and continuous improvement of the Coast Guard civil penalty process (including taking final agency action on appeals of civil penalties assessed for violating regulations), and review and preparation of the Commandant's action on appeals of the suspension or revocation of merchant mariners' documents and licenses issued by the Coast Guard.

**STANDARD(S):** We meet the needs of our customers--the operating programs--in a timely manner (e.g., no complaints from program clients regarding the timeliness or accuracy of advice; maintenance of an active liaison with program clients to be a proactive partner in identifying and solving legal issues; and submission of reports and responses to requests for information or briefing materials in a timely manner). We adjudicate civil penalties in a fair and evenhanded manner as an effective tool for achieving statutory purposes. We adjudicate civil penalties in a timely manner (i.e., all cases are processed within the recommended time frames). We collect all civil penalties, and the assessed civil penalties result in fewer repeat offenders. Finally, we complete all suspension and revocation appeals in a fair and timely manner.

2. **OBJECTIVE:** Provide the highest quality, timely legal services in support of the Coast Guard legislative program by providing legally sufficient and politically acceptable legislative proposals that are enacted into law in furtherance of the Coast Guard's legislative program, and by providing timely review of legislation and agency reports on legislation affecting the Coast Guard or in which the Coast Guard has an interest so that the Coast Guard position is fully considered by the Office of the Secretary of Transportation, the Office of Management and Budget, and the Congress.

**STANDARD(S):** We provide timely delivery of the Coast Guard legislative program for a given session of Congress in January (or at least before the start of the Coast Guard Authorization hearings), we obtain enactment of all of the Commandant's high priority legislative proposals in a given session of Congress, and we obtain enactment of the entire Coast Guard legislative program for a given session of Congress. We meet the needs of our operating and support programs by providing timely and accurate advice in identifying the need for and scope of legislative revisions.

3. **OBJECTIVE:** Provide the highest quality, timely legal services for all regulatory documents issued by or affecting the Coast Guard by ensuring that legally sufficient regulatory documents are prepared and published in a timely manner in response to and support of operating program needs, and by providing timely review of other agency regulations affecting the Coast Guard. Our objective includes: maintaining complete and accurate public docket files of all pending and completed rulemaking projects; maintaining a database of regulatory projects to facilitate regulatory management and response to requests for information, including reports required by the Office of the Secretary of Transportation and the Office of Management and Budget; and responding promptly and courteously to public inquiries concerning Coast Guard regulations and rulemaking projects and providing controlled access to public docket files.



**STANDARD(S):** We meet the needs and desires of our operating program customers by assuring that there are no successful challenges to Coast Guard regulations based on lack of authority, legal insufficiency, or improper compliance with required procedures. Our standard of excellence ensures that all dockets are complete and accurate for each rulemaking, that our database is current within one working day (and that it provides the information necessary to respond to inquiries or generate reports without further research), and that the public has full access to docket files without compromising the integrity of the files (and that public inquiries are answered within one working day). We also meet the needs of our clients by providing timely and accurate advice in identifying the need for and scope of regulatory revisions.

4. **OBJECTIVE:** Provide the highest quality, timely legal services for supporting the internal functions of the Coast Guard by advising our customers and conducting compliance reviews regarding fiscal considerations, military and civilian personnel, real and personal property, bridge administration, release of information, standards of conduct and ethics, use of command authority, administrative investigations oversight, etc. Where required by statute or regulation, the Legal Program also provides legally qualified counsel for the protection of the rights of individuals and the Government in administrative proceedings.

**STANDARD(S):** We are responsive to the needs and concerns of our customers. We meet response deadlines for all correspondence and requests. We are sensitive to accommodating legal research and response in much shorter time periods depending upon the exigencies of the situation. We facilitate the needs and desires of the client within the bounds of the law.

5. **OBJECTIVE:** Provide the highest quality, timely legal services effectively administering the Coast Guard's Military Justice System in accordance with the requirements of the Uniform Code of Military Justice, the Manual for Courts-Martial, and other applicable statutes and regulations.

**STANDARD(S)** We meet the needs of all military justice customers by providing the necessary personnel and resources to fully comply with the requirements of the Uniform Code of Military Justice and the Manual for Courts-Martial, (e.g., providing counsel and judges for courts-martial, assuring speedy trials, timely appellate referral and review, prompt post-trial review, prompt Article 138 reviews and actions, ensuring that the Military Justice Manual is current and available to the field, etc.). In addition, we provide prompt advice and legal assistance to field counsel on military justice matters. Finally, we maintain an active liaison with the Joint Services Committee on Military Justice (ensuring annual reviews and updates to the Manual for Courts-Martial) and appropriate liaison with the appellate and trial courts.

6. **OBJECTIVE:** Provide the highest quality, timely legal services to facilitate and assist the Coast Guard procurement process by advancing the contracting function of the Coast Guard and facilitating the timely acquisition of supplies, services, and equipment. We also ensure that the acquisition effort is conducted in compliance With applicable statutes and regulations; advocate the agency position to minimize the adverse impact of contract litigation on agency programs; and provide legal advice and assistance to contracting personnel on the legal aspects of procurement—from initial planning and development through initiation of procurement action, award, contract administration, and completion or termination. Finally, we represent the Coast Guard, as its advocate, in disputes involving procurement contracts.

**STANDARD(S):** We serve our various procurement customers by providing legally sound, thoroughly researched and timely advice on all procurement law issues referred to us. We advocate the Coast Guard's position in all contract litigation. We provide drafting assistance (including review and comment) on all proposed contract related legislation, regulations, and directives referred to us for comment and action. We answer all procurement law questions asked of us by the field and headquarters staff. We participate on all designated Source Selection Evaluation Boards and major acquisition review boards.

7. **OBJECTIVE:** Provide the highest quality, timely legal services in representing the interests of the Coast Guard and the United States in the international maritime community. The Legal Program provides experienced and knowledgeable individuals in international law and multilateral negotiations to represent United States maritime interests and to ensure that the needs of Coast Guard operating programs are adequately considered in the development of policies in the international arena.

**STANDARD(S):** We represent (or advise and participate with delegations of the United States at various international for a (e.g., International Maritime Organization). We participate in international negotiations and give drafting assistance in the formulation of treaties with foreign nations (e.g., search and rescue treaties). We coordinate with representatives of other programs and agencies respecting the legal implications of Coast Guard activities in the international field.

8. **OBJECTIVE:** Provide the highest quality, timely legal services to support the Coast Guard's environmental compliance activities and initiatives by minimizing Coast Guard civil and criminal liability in our environmental compliance and restoration activities. The goal includes providing timely and proactive advice, counsel and representation concerning existing and emerging federal and state environmental requirements; analyzing an environmental defense docket with recommendations to make improvements to minimize litigation or liability exposure in the future; candidly assessing the Coast Guard's organizational abilities to achieve full compliance with recommendations for policy improvements; and communicating emerging environmental requirements to the field and recommending efficient compliance solutions.

**STANDARD(S):** We provide outstanding service to our clients by: (1) settling all CERCLA cases where Coast Guard liability is clear, after reducing total cost liability to the lowest level possible through vigorous fact investigation and legal advocacy against regulatory agencies and other potentially responsible parties; (2) cooperating with regulatory agencies by providing adequate legal advice and counsel to Coast Guard operators in order to avoid problems; (3) competently representing the Coast Guard client to reach cost effective resolutions to disputes, considering both short term resource needs and long term precedential impacts; and (4) providing thoroughly analyzed and timely environmental legal policy guidance to other Coast Guard attorneys encountering environmental compliance issues at Headquarters and in the field.

9. **OBJECTIVE:** Provide the highest quality, timely legal services to represent the Coast Guard in dealing properly with claims and litigation. The Office of Chief Counsel constantly evaluates and, within the limits of delegated authority, renders timely, final agency decisions, on claims asserted by or against the Coast Guard arising from Coast Guard operations and internal functions; initiates timely administrative collection action on Coast Guard affirmative claims; and, when necessary and appropriate, refers affirmative claims to the Department of Justice for recovery by litigation. In addition, we evaluate and develop the Coast Guard's position on litigation involving the Coast Guard or Coast Guard personnel arising from Coast Guard operations and internal functions, and provide the Department of Justice with timely support for proper presentation of the Coast Guard position.

**STANDARD(S):** We meet our objective by fully complying with all statutorily and judicially mandated time and other requirements necessary to effectively protect the interests of the Coast Guard and the United States Government in asserting claims and actions on its behalf and in defending against claims and actions brought against it or its personnel.

10. **OBJECTIVE:** Provide personal legal services, a significant work-life benefit, to all Assistance eligible personnel by maximizing available resources to assist them in dealing with civil legal problems that may arise in their lives. This objective also includes maintaining effective liaison with the American Bar Association Standing Committee on Legal Assistance for Military Personnel (LAMP Committee), with the Chiefs of Legal Assistance for the DOD services, and with the Commanding Officers of the three DOD Judge Advocates General schools, to maximize the Coast Guard's ability to take advantage of available DOD and civilian attorney resources that can be brought to bear to assist our personnel in dealing with personal legal problems.

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**STANDARD(S):** We support our clients by providing job-related legal assistance (*i.e.*, legal assistance that arises due to the nature of the individual's Coast Guard duty) 100% of the time. Regarding other personal civil legal matters, Coast Guard legal assistance is provided to the maximum extent consistent with our available resources; cases that cannot be handled "in-house" are referred either to other service legal assistance offices or competent civilian attorneys. We provide all legal assistance in a timely manner, as measured by the client. We provide our Legal Assistance Officers with up-to-date legal resources and training sufficient to enable them to handle the range of civil legal problems covered within the scope of the Legal Assistance Program, as defined in COMDTINST 5801.4A.

11. **OBJECTIVE:** Provide the highest possible quality Legal Program planning, policy development, resource management, and training to enable the Legal Program and its personnel to provide their best legal service to the Coast Guard and its people. The Office of Chief Counsel plans for and manages the acquisition, distribution, and use of program resources, and coordinates personnel training to maximize the ability of the Chief Counsel to effectively and efficiently execute program responsibilities and objectives. The principles of Total Quality Management (TQM) guide our efforts to continuously improve our processes and performance.

**STANDARD(S):** We obtain an earned reputation of excellence from our client programs by practicing TQM as a philosophy of life in the delivery of legal services--always seeking continuous improvement. We develop our personnel through an aggressive continuous legal education agenda which maximizes our training dollar by continuously seeking to reduce the cost per training quota and obtaining the best possible training opportunities. We develop sound legal policy with foresight and skillful planning that permits the Legal Program to compete successfully for increasingly scarce resources, and we manage those resources wisely.

**COMMENTS:** These objectives and standards were selected based upon input from experienced leaders in the Coast Guard law firm. Division Chiefs in the Office of Chief Counsel each provided their views. The objectives and standards in the Legal Program Description for 1995 reflect due consideration of our historical goals, a good look at where we are today, and a view toward the future of the legal program and the Coast Guard. They were selected because of our view of how best to serve our customer client needs, desires, and objectives. All of the legal program objectives listed above are extremely important and significant! Implicit in our objectives is that we perform all responsibilities assigned to the Legal Program by the Coast Guard Organization Manual, COMDTINST M5400.7D. Our priorities are driven by the needs of the Service (especially the operating programs) and strategic driving forces (*i.e.*, emerging political, economic, societal, technological, and environmental trends). Our objectives were established to support the Department of Transportation's National Transportation Plan, the Commandant's Strategic Agenda, and the Coast Guard Vision Statement.

#### **IV. PERFORMANCE MEASURES**

The Office of the Chief Counsel's performance measures criteria (used to determine how well the Legal Program standards are being met) are based upon the underlying philosophy to: "Shoot for the moon: even if we miss, we'll be among the stars." In other words, where standards reflect "all," "timely," "100%," etc. we are talking about perfect delivery of the highest possible quality legal services. Two accompanying philosophies also must be understood: (1) "Scores" of 90% and higher constitute excellence; and (2) We are committed to supporting the Coast Guard's Strategic Quality Goal of delivering high-quality service by continuously improving our processes to meet the ever changing needs of our customers. The following outline briefly describes our performance measures and their methodology of collection and analysis:

**1. CUSTOMER SATISFACTION WITH LEGAL SERVICES:** Effectiveness of legal service processes in providing answers and legal products to client-customers.

- a. Client complaints
- b. Client surveys
- c. Assessments and discussions with clients (including preventive law efforts)
- d. Percentage of cases won or lost, successful litigation, appeals upheld, cases paid at various points in a legal process (e.g. penalties), dollar valuation, etc.
- e. Tracking number of offenders, similar violations, repeat offenders, etc.
- f. Tracking penalty amounts (including assessments, compromised, settlements, paid, etc.)
- g. Percentage of prepared/staffed correspondence returned for rework
- h. Percentage of legislative proposals enacted into law
- i. Estimating financial exposure to the client
- j. Number of cases opened, closed, legal opinions, agreements, settlements, etc., per client
- k. Number of regulations challenged, successfully challenged, etc.

**2. ON TIME DELIVERY OF LEGAL SERVICES:** Effectiveness of legal service processes in providing answers and legal products to client-customers.

- a. Timeliness of meeting deadlines (e.g., distributing documents, coordinating positions papers, processing cases, legislation, regulations, etc.)

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- b. Statistical analysis of compliance with mandated time or statutorily/court-imposed requirements
  - c. Number of reports, opinions, etc. submitted to OST, OMB, Congress, etc. on time
3. **WASTE OF LEGAL SERVICES:** Efficiency of legal service processes in providing answers and legal products to client-customers (and use by clients).
- a. Tracking whether the customer-client used the legal answer(s) or legal products provided
  - b. Auditing "billable hours" (including attorney, paralegal & legal clerk's use of time)
4. **CYCLE-TIME OF LEGAL SERVICES:** Efficiency of legal service processes in providing answers and legal products to client-customers.
- a. "Billable hours" per case (including correlation w/complexity)
  - b. Tracking the number of days a case remains open against the average number of days needed to dispose of similar cases
5. **SUBJECTIVE PROFESSIONAL QUALITATIVE ANALYSIS OF LEGAL SERVICES:**
- a. Random professional audits, compliance inspections, quality reviews of files, litigation reports, dockets, etc. to evaluate quality
  - b. Continuing legal education opportunities offered, used, and applied to legal services
  - c. Legal Networking
  - d. Professional and client-customer assessment of preventive law efforts

**COMMENTS:** (1) All legal processes conform to the same generic model: Client-custmers provide legal issues to a value adding legal service process; the legal service process generates answers or legal products that are then presented to client-customers; and the client-customers then use the legal product in reaching overall results. (2) Measurement is the primary responsibility of all legal service process owners. This responsibility rests on both process owners of systems as well as individuals with responsibility for their own workprocesses. Every attorney, paralegal, and staff member of the Coast Guard law firm has to measure and improve their own processes--no matter how small those processes may seem in the overall picture. (3) CAVEAT: Success in litigation, dollar valuation, "win-loss" records, timeliness, deadlines, etc. are useful, but may be misleading.. The real measure of the quality of professional legal services is often more critically determined by subjective professional analysis of the legal services' processes of legal and factual research and application.

**V. OTHER PERTINENT INFORMATION**

**PERFORMANCE MEASURES**

The practice of law does not easily lend itself to quantitative measures of efficiency. The attention required by a given case or legal issue is a matter for subjective, professional evaluation. Two cases of the same general type may require substantially different levels of effort because of varying case complexity. Private law firm billing practices, which are commonly based on the number of attorney hours spent on a matter, do not readily translate to measures of productivity without considerable analysis of the facts and issues involved in particular cases. This is not to say that statistical measurements of legal work-product are of no value. The Legal Program, with support from the Office of Command, Control and Communications, is pursuing a data base management initiative that permits assembly and collation of data on cases processed, dollars collected, and so forth to provide rough measures of Legal Program productivity and activity. When evaluated by experienced managers, the data should identify changing trends and improve decisions involving resource allocation. Measures of effectiveness and efficiency for the Legal Program will be refined accordingly.

**TABLE OF ATTACHMENTS**

A. Legal Program Billets and Positions as of 30 SEP 1994.

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**LEGAL PROGRAM BILLETS & POSITIONS**

as of 30 SEP 1994

<u>UNIT</u>	<u>ATTORNEY</u>		<u>PARALEGAL</u>		<u>CLERICAL</u>		<u>UNIT</u>
	<u>MIL</u>	<u>CIV</u>	<u>CWO</u>	<u>CIV</u>	<u>ENL</u>	<u>CIV</u>	<u>TOTAL</u>
G-L	2	2	0	0	0	3	7
G-LMI	9	2	0	2	0	3	16
G-LRA	2	7	0	1	1	2	13
G-LCL	6	2	0	0	1	1	10
G-LEL	3	3	0	0	1	1	8
G-LgL	3	5	0	0	0	2	10
G-LMJ	9	0	1	0	1	1	12
G-LPD	4*	0	1	2	6	0	13
G-LPL	1	9	0	0	0	2	12
G-LLX	3	2	0	0	0	1	6
DOJ E&W	2	0	0	0	0	0	2
G-CC	1	0	0	0	0	0	1
G-OLE	1	0	0	0	0	0	1
G-MVI-5	1	0	0	0	0	0	1
G-MS	0	3	0	0	0	0	3
<b>SUBTOTAL</b>	<b>47</b>	<b>35</b>	<b>2</b>	<b>5</b>	<b>10</b>	<b>16</b>	<b>115</b>
<b>FOR CG HQ</b>	<b>82</b>		<b>7</b>		<b>26</b>		<b>115</b>
MLCLANT	9	8	1	1	6	0	25
MLCPAC	14	5	1	1	6	5	32
CCGD1	5	0	0	0	2	0	7
CCGD2	3	0	2	2	3	0	10
FD&CC (EAST)	0	2	0	0	0	0	2
CCGD5	10	0	0	0	3	0	13
CCGD7	6	1	0	0	3	0	10
CCGD8	5	0	0	0	2	1	8
CCGD9	3	0	0	0	1	1	5
CCGD11	5	0	0	0	2	0	7
FD&CC (WEST)	0	1	0	0	0	0	1
CCGD13	4	0	0	0	2	0	6
CCGD14	3	0	0	0	2	0	5
CCGD17	4	0	0	0	2	0	6
CG YARD	1	0	0	1	0	0	2
NPFC	2	3	0	1	0	1	7
ACADEMY	5	1	0	0	3	0	9
YORKTOWN	2	0	0	0	1	0	3
CAPE MAY	1	0	0	0	1	0	2
NAVJUSTICE	1	0	0	0	1	0	2
KODIAK	1	0	0	0	1	0	2
PAY&PERSCEN	0	1	0	3	0	1	5
JITF-East	1	0	0	0	0	0	1
NAWARCOLLEGE	1	0	0	0	0	0	1
<b>SUBTOTAL</b>	<b>86</b>	<b>22</b>	<b>4</b>	<b>9</b>	<b>41</b>	<b>9</b>	<b>171</b>
<b>FOR FIELD</b>	<b>108</b>		<b>13</b>		<b>50</b>		<b>171</b>
<b>TOTAL FOR</b>	<b>133</b>	<b>57</b>	<b>6</b>	<b>14</b>	<b>51</b>	<b>25</b>	<b>286</b>
<b>LEGAL PROGRAM</b>	<b>190</b>		<b>20</b>		<b>76</b>		<b>286</b>



LAW SPECIALIST TOTALS

LAW SPECIALISTS ON ROTATIONAL TOURS:	34
(Excluding Flags)	
LAW SPECIALIST FLAG OFFICERS IN NON-LEGAL POSITIONS	3
TOTAL # OF LAW SPECIALISTS IN THE LEGAL PROGRAM & ON ROTATIONAL TOURS:	170

HEARING OFFICE BILLETS AND POSITIONS

<u>UNIT</u>	<u>HEARING OFFICERS</u>	<u>CLERICAL PERSONNEL</u>		<u>OFFICE TOTAL</u>
	<u>MIL</u>	<u>ENL</u>	<u>CIV</u>	
PACAREA (pj)	3	2	2	7
LANTAREA (aj)	4	5	1	10
LANTAREA (ajs)	5	5	3	13
TOTALS	12	12	6	30
TOTAL PERSONNEL ASSIGNED TO THE CONSOLIDATED HEARING OFFICES:				<u>30</u>

# UNITED STATES COAST GUARD

## CHIEF COUNSEL



## LEGAL PROGRAM DIRECTION

1995

PREPARED: *D. Gary Beck* DATE: 16 June 1995

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Chief, Legal Policy & Program Development Division

APPROVED: *R. B. Helsel* DATE: 8/29/95

R. B. HELSEL  
Deputy Chief Counsel  
Legal Program Manager

APPROVED: *J. E. Shkor* DATE: 8/29/95

J. E. SHKOR  
RADM, USCG  
Chief Counsel  
Legal Program Director

## **I. CUSTOMERS/COMPETITORS/STAKEHOLDERS:**

The Legal Program's customers (i.e., those for whom we provide legal services, legal products, or who are otherwise affected by our legal service processes) include: the Commandant, Vice Commandant, Chief of Staff, all USCG flag officers, Program Directors, Program Managers, staffs, commands, personnel (active, reserve, retired, civilian, auxiliary), and dependents; the Department of Transportation's other modal administrations (especially OST, through which legal services occasionally may be rendered to the President and other executive branch entities); the Departments of State, Justice (including U.S. Attorney's offices), Defense (including the other military services, their personnel and dependents), and Veterans Affairs; the Public Health Service; the Office of Management and Budget; the Office of the Federal Register; the Comptroller General; the Environmental Protection Agency; the National Transportation Safety Board; Congress and its various committees, subcommittees and staffs; International and Interagency bodies (e.g., the International Maritime Organization, etc.); the federal courts (including the U.S. Court of Military Appeals and the Coast Guard Court of Military Review) and their respective judges and staffs; the Coast Guard Board for the Correction of Military Records; various state and local regulatory agencies; environmental groups; United States merchant mariners, commercial maritime interests, and recreational boaters; actual and potential government contractors; private attorneys; witnesses; expert witnesses; claimants; tortfeasors; and various members of the public at large.

Arguably, the Legal Program has no competitors in the sense that no one else provides the same or similar legal products or services to the same customer base. The better view, however, may be that the Legal Program has numerous competitors that presently can perform some, and eventually could perform all, of the legal services the Coast Guard needs. These include private law firms, the legal staffs of other military services and federal agencies, a generic "purple suited" legal provider organization that services multiple military and federal agencies, contract "Maschoff-Barr type" private legal assistance organizations, Administrative Law Judges, as well as international and Interagency bodies.

Our stakeholders (i.e., those who have vested interests in our legal processes) are primarily our client customers. Legal Program stakeholders also include Legal program personnel. The practice of law requires that attorneys act zealously for their clients within the bounds of the law. Implicit in this ethical standard of legal conduct is the alignment of the attorney with the client in facilitating, advocating, or defending the client's interests. Conflicting client interests are resolved by two underlying principles: (1) the Coast Guard law firm primarily serves the Commandant of the Coast Guard--who is the principal client, customer and stakeholder; and (2) the Coast Guard law firm provides objective, independent counsel in the execution of Coast Guard missions. See G-L Vision, Mission, and Guiding Principles in the 1995 G-L Program Description.

## **II. CUSTOMER/STAKEHOLDER NEEDS/EXPECTATIONS:**

During the next 5 to 15 years the customers of the Legal Program will need and expect timely legal service and support of the highest quality. Coast Guard operational customers will need advice and counsel on the applicability and impact of existing and proposed statutes, treaties, international conventions, and established doctrines of maritime and international law that impact upon Coast Guard drug interdiction, illegal migrant interdiction, fisheries and customs law enforcement, nation building, search and rescue, military readiness, port security, ports and waterways safety, commercial vessel safety, marine environmental protection, boating safety, facilitation of navigation, civil penalty processing, suspension and revocation hearings and appeals, etc. Our customers and stakeholders also will need experienced and knowledgeable Coast Guard legal counsel to represent operating Coast Guard programs, as well as the United States' maritime interests, in international or multilateral negotiations and throughout various international fora.

Our organizational leadership customers will expect legally sufficient and politically acceptable legislative proposals that are enacted into law in furtherance of the Coast Guard's purposes. Similarly, operational customers will need legally sufficient and timely published regulatory documents to support their initiatives. Public and industrial customers also will expect that Coast Guard initiated legislation or regulations will be fair and not overly burdensome, and they will expect a reasonable opportunity to participate in the rulemaking process. Many customers (e.g., the Office of the Federal Register), will expect documents to be provided in computerized format to facilitate the dissemination by electronic means. Customers also will look to the Legal Program to provide timely review of, and guidance concerning, other agency legislative proposals, regulations, reports, etc., affecting the Coast Guard or in which the Coast Guard has an interest. Internal Coast Guard customers will expect timely legal service and products of the highest quality regarding issues such as: environmental, fiscal, personnel, and property law; bridge administration; privacy and release of information; ethics/standards of conduct; use of command authority; administrative investigations, etc. They will need qualified counsel to protect the rights of individuals and the Government in administrative hearings. Military justice customers will expect effective administration of the Coast Guard Military Justice System in accordance with the requirements of the Uniform Code of Military Justice, the Manual for Courts-martial, and other applicable statutes, regulations, and case law. Procurement law customers will require full legal service in all aspects of government contracting--including effective advocacy in contract litigation.

Internal customers will need and expect legal services that effectively protect the interests of the Coast Guard and the Government in asserting claims and actions on its behalf and in defending against claims and actions brought against the Coast Guard, but they will want the litigation process to be minimally disruptive to their operational and administrative activities. Coast Guard personnel will expect legal representation and support when their actions, taken within the scope of their

authority, implicate them in litigation. Operational commanders will seek legal advice to achieve environmental compliance and restoration at the lowest overall cost. Claimants will continue to want and expect their claims to be timely and fairly adjudicated. External customers will expect full legal support for claims issues or litigation matters that they handle or oversee for the Coast Guard.

Coast Guard personnel and their dependents--some of our more important customers--will need high quality legal assistance, a significant work-life benefit, to maintain readiness, productivity, efficiency, and high morale. Finally, all of our customers will require continuous improvement in the provision of legal services and products through high quality program planning, policy development, resource management, and training--all accomplished through a commitment to Total Quality Management. In sum, our customers need and will expect the Legal Program to meet all of its 1995 Program Description Objectives through adherence to the highest professional standards of providing legal services and support.

### **III. STRATEGIC DRIVING FORCES AND THE CUSTOMER/STAKEHOLDER:**

International and domestic politics: Despite periodic changes in political leadership at home and abroad over the next 5-15 years, there will continue to be political recognition that issues such as environmental compliance and protection, combating narcotics trafficking, controlling illegal migrants, threats of large-scale or regional conflict, nation building, fisheries law enforcement, maritime safety, search and rescue, and the use of the sea and its resources are global rather than strictly national matters. Domestic and international politics will continue to be highly bureaucratic, technical, and complex--filled with compromise and balancing of competing interests. Regional trade agreements will impact the government procurement process. The Coast Guard will be involved in multinational and bilateral negotiations and agreements. Our customers' needs will expand through implementation of the Commandant's International Strategic Plan. Coast Guard interests will be furthered through United Nations organizations such as the International Maritime Organization and the United Nations Commission on Narcotic Drugs. The regimes that are developed likely will provide for legal action by or against sovereign nations, including the United States, and will require litigation and claims processing under new domestic statutes that implement international agreements. International agreements also will start to put in place international performance and safety standards. Environmental protection, port safety, merchant vessel safety, and merchant vessel personnel programs all will have new enforcement requirements and tools. Global coverage of environmental regimes will involve the Coast Guard as the preeminent maritime environmental and law enforcement agency. Accordingly, we will be expected to meet the same high standards we enforce.

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Societal trends: The late 1990's are forecast to be an "[i]nnerdriven era where Idealist endowments of principle, religion, and education are likely to rise." The Road to 2012 at 27. There will be increased emphasis on social virtue and less tolerance of those who do not meet their social responsibilities. Our customers will give greater attention to government ethics and associated regulations. There will be increased insistence on the enforcement of community standards, with anti-drug and pro environmental groups becoming powerful. There will be increased effort in the human performance aspects of safety (e.g., the commercial fishing industry likely will become increasingly subject to inspection and licensing requirements). Similarly, there will be increased regulation in the areas of drug and alcohol testing for government and safety related employees. There will be greater diversity in the work force and government efforts to further the integration of that diversity. Stronger enforcement of environmental laws, with more emphasis on criminal actions, will heavily involve the marine safety and legal programs. Personnel programs, both military and civilian, will be challenged by diversity requirements. Tests of personnel policy also will be made by individual's asserting their rights (e.g., discrimination complaints). Civil penalty assessments will be administered fairly and evenhandedly as an effective tool for achieving statutory purposes. Finally, the societal trend toward more frequent and more aggressive litigation is expected to continue.

Emerging Technology: The explosion of the "information age" will have a significant impact on the future operating environment of our customers. The microprocessor, fiber optics, satellite systems (e.g., global positioning), wireless terminals, cellular networks, artificial intelligence, virtual reality, super conductivity, cold fusion, and holography all will affect the operations of our customers--the Coast Guard, government, industry, and society. Everything will happen faster and information will be more accessible and more difficult to control. There will be global accessibility, people will be more mobile, systems will be more interconnected and complex, and all will be subject to rapid unpredictable change. All of government will be converting to new information management techniques that will be innovative and vastly different from traditional paperwork management practices (e.g., OST, OMB, the Office of the Federal Register, and Congress will move toward compatible electronic computer systems to process legislative and regulatory proposals and actions). Technology will change the way our customers provide operational services (e.g., navigation services, search and rescue, law enforcement, monitoring of vessel movement, regulation of the shipment of cargo). Innovations in business systems technology will change the operating environment for customers involved in the acquisition process. The rapid pace of technological change will cause our customers' actions to be challenged on all fronts.

Environment: Significant environmental problems, such as global warming, ozone depletion, loss and contamination of wetlands, acid rain, loss of habitat and species, polluted drinking water, changing weather patterns and the associated impact on production, natural disasters, toxic waste, oil pollution, and garbage disposal, will affect our customers. Coast Guard environmental enforcement and compliance activities will be affected at every level. New responsibilities will be placed on our enforcement community customers. The Coast Guard will have new laws to enforce, and rapid shifts in emphasis will require flexibility in allocating scarce resources to meet those shifts. Sovereign immunity protections for the Federal government and its employees likely will be eliminated. Our customers will be subject to new laws directing the actions of the Government and placing personal legal responsibility, civil and criminal, on Coast Guard members and employees. Our customers also will need to acquire new technology and equipment to meet their needs and to respond to the environmental challenges and changes.

Economics: The Federal deficit will continue to be a major factor in all government activities. As interest payments on the national debt consume an increasing share of tax revenues, our customers will have to increase the efficiency of their operations to maintain a satisfactory level of services. Reengineering government will continue to be emphasized, including the notion of doing more with less. Since our customers will be faced with reduced budgets and increasing demands, they will consider divesting obsolete tasks and missions. Economic depression in Third World countries will continue to cause economic migration. Periodic economic challenges within the United States will cause members to fully exercise their rights and exhaust all remedies in challenging pay, allowances, and benefit decisions in an attempt to maximize available monetary benefits. With the population aging, more businesses may not be able to fully fund their pension plans. They will rely on the Federal government to support future retirees, placing more stress on the Federal deficit. Health care and education will require increased funding. Half of the world trade will occur in the Pacific rim and United States companies will be mobilizing for access to trade in the East. Changes in international markets will modify our customers' reliance on traditional sources of supply (and purchases of foreign goods will present new problems of delivery and raise concerns about potential unavailability). Increased trade and the opening of new markets will bring with them increased illegal waterborne activity, requiring enforcement of new and expansive criminal laws, which will increase Coast Guard law enforcement responsibilities. Collection activities (National Pollution Funds Center, civil penalties, damage claims, medical care recovery, user fees, etc.) also will become more significant and may have a direct impact on operating funds as measures are considered to make programs self-funding.

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Administration (President's) initiatives: Reinventing Government, Total Quality Management, health care reform, balancing work and life, procurement reform, diversity in the work force, Department of Defense downsizing, agency rightsizing, etc. likely will continue in one form or another--all affecting our customers. Personnel programs will continue to adapt to diversity requirements. Health care for members and dependents will change. There will continue to be great pressure to "civilianize" or "contract out" the performance of some governmental services and functions. The military civil rights and disciplinary systems also will change, as the military becomes more "civilianized." All "business practices" will change in conformance with Total Quality Management principles.

#### **IV. STRATEGIC DRIVING FORCES & THE LEGAL PROGRAM:**

International and domestic politics: Coast Guard and United States legal representation at international fora will increase demands on the Legal Program. Coast Guard enforcement of United States' adopted international agreements will require proactive legal services relative to legislation, regulations, and undoubtedly litigation. Environmental enforcement efforts will be challenged by industry, requiring specialized legal services and vigorous litigation. In addition to traditional enforcement through cost recovery actions, there will be new criminal and civil penalty actions, and challenges to administrative determinations (e.g., merchant mariner documentation cases). Legal actions will become global, with "discovery" being required throughout the world, and litigation will occur in foreign courts more frequently. We also will become involved with foreign litigation from the perspective of assisting in foreign enforcement proceedings through document and witness production. Antidrug and other criminal enforcement efforts will require new prosecution strategies and more involvement in criminal litigation as Coast Guard operational law enforcement methods are challenged and as we enforce new criminal laws, with new and innovative jurisdictional foundations. Domestic political initiatives imposed without additional funding will place additional pressure on the delivery of timely, high quality legal services (e.g., the DOD downsizing may impact existing relationships with Naval Legal Services Offices, requiring us to perform all military justice and advocacy work with Coast Guard lawyers, and may impact our ability to train Coast Guard attorneys at the existing Army, Navy, and AirForce Judge Advocates General's schools).

Societal trends: Society will continue to be highly litigious and increasingly complex, requiring greater Coast Guard legal specialization and teamwork to solve problems and represent the interests of the service and its members. While the nature of litigation may change, legal challenge to government action involving individuals and businesses will undoubtedly increase. Members of the public will continue to press their "rights" in actions against the Coast Guard, through suits claiming damage from operations, contract claims, claims for environmental damage and cleanup costs due to improper disposal of hazardous wastes, civil penalty appeals, challenges to regulatory decisions, and internal matters such as disputing



personnel actions or raising discrimination complaints. In each of these areas, legal Program personnel with sufficient specialty expertise will be needed to provide legal support, often to multiple parties. Coast Guard lawyers increasingly will have to defend against competitor lawyers with great specialization and sophisticated research tools. The Legal Program will continue to adjudicate and take collection action concerning a wide range of claims for and against the Coast Guard. Legal service and support will continue to be provided in such diverse matters as military and civilian personnel actions, appeals of National Transportation Safety Board decisions on suspension and revocation of merchant mariner licenses to the Circuit Courts of Appeal, judicial review of permits issued by the Coast Guard, challenges to agency action via Administrative Procedures Act reviews in Federal district courts, and entitlement to attorney fees under the Equal Access to Justice Act. Legislation continues to create fertile grounds for litigation with a corresponding need for legal services. There will be more regulation of the transportation work place and work force, resulting in litigation to enforce the regulations and defend against legal challenges to their implementation. There will be increased pressure to collect the cost of government services from the recipients of those services. Judicial opinions will continue eroding the United States Government's sovereign immunity defenses and redefining eligible claimants and the agency's standard of care vis-a-vis the public. For these reasons, the demand for legal services in both the claims and litigation areas of practice is expected to continue to increase. There will be a significant push to cut back on "in court" litigation through the use of Alternative Dispute Resolution, with the Government taking the lead, but society will continue to press its "case." Arbitration and mediation (both binding and nonbinding) will be used extensively.

Statutes permitting suit against the United States generally will contain the requirement that plaintiffs first exhaust their administrative remedies, although environmental statutes generally will allow citizen suits without prior administrative appeal. While this may decrease litigation for the Department of Justice, it will mean increased case preparation, adjudication, and negotiation for the Legal Program. Government activism also will cause litigation as individuals and business entities (including the Legal Program's competitors) resist government intrusion. Industry will challenge regulations and enforcement, increasing Administrative Procedures Act cases and raising Constitutional challenges. The push for work force diversity will create litigation before the Equal Employment Opportunity Commission, the Merit Systems Protection Board, and Federal Labor Relations Authority, as the Federal establishment deals with EEO, sexual discrimination, and related issues. The military personnel system is likely to become more civilianized, creating litigation rights that presently are unavailable.

Emerging Technology: Coast Guard legal research will be conducted primarily using electronic computer based data processing systems (e.g., LEXIS, LDRS CDROM). Less paper documentation will be maintained, but it will not be eliminated. Our already limited law libraries and librarians generally will be replaced by

## Enclosure (2) to COMDTINST 5800.6

electronic systems to keep up with competitor and opponent law firms, which will operate with the latest in legal technology. An advanced and improved version of the LAWS database will be used throughout the Legal Program as a management and data capture tool. Legal Program hardware and software will be compatible with numerous customers, including those outside the Coast Guard concerning legislative and regulatory processing (e.g., OST, OMB, the Office of the Federal Register and Congress). These changes will require a significant investment in funds and computer personnel; however, the efficiencies realized through this investment will significantly outweigh the monetary cost. Government information practices will continue to be challenged in court. We will be required to provide legal services concerning the application of existing and newly enacted laws relating to informational technology as it rapidly changes. As our customers develop new technologically advanced methods for search and rescue, waterway management, law enforcement, environmental protection and remediation, and merchant marine safety, Coast Guard actions will be subject to claims and resulting litigation grounded in the tort system. This will require the provision of additional legal services.

Environment: The Coast Guard will gain increased environmental responsibilities and obligations, both domestically and internationally, which will require greater enforcement and compliance efforts. With these increased duties and responsibilities will come a corresponding increased need for legal services. Waivers of sovereign immunity affecting Coast Guard programs and people, coupled with greater public environmental consciousness, will generate increasing environmental litigation. Operating programs' acquisition of pollution abatement equipment and response to natural disasters will generate greater legal involvement in procurement. In short, environmental compliance and enforcement will cost time and money, and will increase customer demands for Legal Program services.

Economics: The Coast Guard budget will be severely affected by the Federal deficit. Increasing emphasis will be placed on efforts to collect all debts, penalties, interest, and fines owed to the Government. Consideration will be given to tying budgets directly to collections as statutes may require that collections be placed in agency operating funds rather than the general treasury, and as Congress uses projected collections to help fund agency budgets. These trends also will cause state and federal regulators to aggressively enforce environmental requirements applicable to Coast Guard operations, and to exact greater monetary penalties if we fail to comply. More demand will be placed on environmental funds, and recoupment of expenditures through litigation will be required. Increased legal services will be required to maximize beneficial use of scarce procurement funding and to defend against contract claims and protests. In tight economic periods, aggressive defense against claims asserted by the Government is expected, with litigation ever increasing. Criminal activities are not likely to decline, and alien migration enforcement, anti-smuggling efforts, drug and fisheries law enforcement, environmental law enforcement, etc. are expected to continue to involve the Coast Guard and require extensive legal advice and representation. Competitor private attorneys and law firms will try to offer contracted legal services at lower costs.

Administration (President's) initiatives: The Legal Program will continue to tailor services to meet changing national priorities as articulated by the President, the Secretary of Transportation, Congress, the Commandant, and Coast Guard operating and support programs. The Chief Counsel will continue to serve in the dual role of principal legal advisor to the Commandant and the delegate of the General Counsel of the Department of Transportation, who is The Judge Advocate General of the Coast Guard. Law specialists and civilian attorneys will continue to furnish legal services to all customers as previously identified. Barring a substantial reduction in the size of the Coast Guard or the scope of its missions, the overall demand for legal services will continue to increase. Congress and the President will continue to impose requirements that increase legal tasking. For example, a new national health care system may increase the need for Physical Disability Evaluation System counsel; Department of Defense downsizing may reduce our ability to gain economies of scale by using Naval Legal Service Offices to provide military justice and other advocacy services; and recent increases in the size of the Court of Criminal Appeals may temporarily increase the Coast Guard appellate level caseload.

## **V. MACRO CHANGES NEEDED**

The essence of the practice of law is the facilitation of the achievement of client customers' goals--both by anticipating future problems and by helping to resolve current ones. Long range Legal Program predictions also depend on the client customers' vision and the quality of their program directions and strategic planning. With this in mind, and believing that the organizational and legal work assignment process and structure of the Legal Program (including both the field and headquarters) will not change dramatically, but will require periodic adjustment, the following "major changes" will be needed to continue to meet our client customers' needs over the next 15 years.

International and domestic politics: As Coast Guard issues become more global, Coast Guard attorneys increasingly will be called upon to assist in international negotiations and fora, which will require increased legal personnel resources, travel, training, and specialization. Domestically, system discipline notions of timeliness, teamwork, completeness, and prioritization by all programs will be absolutely essential to achieve Coast Guard legislative and regulatory initiatives.

Societal trends: The increasingly complex and litigious nature of society, together with specialization by competitor and opponent law firms, will require the Legal Program to develop a cadre of highly specialized attorneys able to use a multidisciplinary approach to solving legal problems, defending litigation, and providing insightful legal services to all client customers. Ethical and pragmatic

## Enclosure (2) to COMDTINST 5800.6

concerns generated by creation of the Military Personnel Command, the need for military justice and other advice by the Chief of Staff and Headquarters Command staffs, the need to provide legal assistance for Headquarters personnel, and the proliferation of discrimination complaints before EEOC and MSPB Administrative judges, all argue for the creation of a separate Staff Judge Advocate/servicing Legal Office located at Headquarters to provide "HQ field legal services." Finally, dedicated Legal Assistance attorneys and paralegal/clerical resources are required to ensure the productivity, efficiency, and morale of our people. If the Coast Guard is to be an employer who values people, then it must make a real commitment to Work-Life through providing legal assistance in an increasingly complex world. Moreover, dedicated legal assistance resources enhance the readiness and surge potential of the Coast Guard and brings our military service into parity with the DOD services, who long have had such dedicated resources.

Emerging technology: Coast Guard attorneys will need training in and access to the latest legal technology in electronic research and computerized work station hardware and software, and these systems must be compatible with all client customers--internal and external--to provide required communication and processing of legal services, products, and information (documents, reports, regulations, legislation, etc.). The Legal Program's CD-ROM Legal Document Retrieval and LAWS database legal management systems will need to be highly sophisticated and user friendly (or they will be replaced by improved follow-on generations).

Environment: Environmental consciousness must become part of the Coast Guard culture--at EVERY level. Every member must understand and comply with the requirements placed on them by environmental laws and regulations. We must develop environmental expertise and accountability as rapidly as possible. This does not necessarily mean more resources. It does mean more attention at all levels. Expanding the role of the Environmental Law Division should be considered along with the specialization/multi-disciplinary team approach advocated above.

Economics: Despite the great economic challenges of "doing more with less," the Coast Guard cannot afford to reduce legal resources and suffer the consequences of not being legally "always ready." Due to the expected increase in legal service demands over the next 15 years, the Legal Program will need: Appropriate additional staffing and, perhaps, reallocation of existing attorney, paralegal, clerical, and in-house IRM personnel; increased continuing legal education, training, and specialization opportunities (e.g., advanced law degree programs) to combat increasingly specialized legal competitors and opponents; and efficient usage of the technological advances being made in legal research and case management.

Administration (President's) initiatives: The Legal Program will continue to respond to the initiatives of the Administration through the conscientious practice of Total Quality Management, sound planning and legal program policy development, and program recruiting and personnel management.

# UNITED STATES COAST GUARD CHIEF COUNSEL



## 1994 LEGAL OFFICERS CONFERENCE FOLLOW-UP DOCUMENT 1995

PREPARED: D. Gary Beck DATE: 16 June 1995  
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Chief, Legal Policy & Program Development Division

APPROVED: R. B. Helsel DATE: 8/29/95  
R. B. HELSEL  
Deputy Chief Counsel  
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APPROVED: J. E. Shkor DATE: 8/29/95  
J. E. SHKOR  
RADM, USCG  
Chief Counsel  
Legal Program Director

G-L BUSINESS PLAN FOUNDATION/ISSUES/DEVELOPMENT (1994-95)				G-L BUSINESS PLAN (1994-95)		
FOCUS	ANALYZE		DEVELOP	EXECUTE		
ISSUES	PROCESS	TQM/NWG	RECOMMENDED ACTION	REVIEW COMMENTS	IMPLEMENT	EVALUATE/
	OWNER	TEAM(S)		G-L ACTION	PLAN/STATUS	FOLLOW-up
1A LEGAL ASSISTANCE USE OF CG RESERVE	G-LPD	94-NWG-001 CAPT NORRIS	1. G-L meet with G-R and develop a program/directive to use reserve attorneys to meet legal assistance demand. Ensure proper incentive and career rewards for participating reserve law specialists/attorneys.	1. Field comments: Strongly agree. Reserves are usually locally licensed and locally savvy.	G-L QMB Action 1A-1: Develop a program/promulgate a directive to use reserve attorneys to meet legal assistance demand (e.g. D8(d1)'s reserve integration and use of RPAL's); 1A-2: G-L to meet with G-R re: integration of USCGR attys into legal assistance program.	G-LPD
1B LEGAL ASSISTANCE USE OF CG AUXILIARY	G-LPD	94-NWG-001 CAPT NORRIS	1. G-L meet with G-N to explore the possibility of using CGAUX member civilian attorneys to provide legal assistance.	1. Field comments: Be cautious esp. concerning malpractice liability, conflicts of interest, etc.	G-L QMB ACTION 1B-1: Study & propose guidelines/boundaries/oversight IAW legal assistance statute, etc., for use of the CG Auxiliary to provide legal assistance; 1B-2: Develop a program/promulgate a directive if desirable.	G-LGL G-LCL G-LPD
1C LEGAL ASSISTANCE SURVEY NEED/DEMAND	G-LPD	94-NWG-001 CAPT NORRIS	1. Survey sample of total CG population to measure total legal assistance demand--met and unmet.	1.G-L approved 3/94 & G-LPD coordinated with CG Work-Life staff to include this measurement in the CG W-L surveys of 1994.	1. G-PWL 1994 study/survey showed legal assistance as most desired service we presently are not fully providing. More than half the CG desires more legal assistance. G-L QMB ACTION 1C-1: Continue liaison and surveys with G-PWL as needed.	G-LPD

G-L BUSINESS PLAN FOUNDATION/ISSUES/DEVELOPMENT (1994-95)				G-L BUSINESS PLAN (1994-95)		
FOCUS	ANALYZE	DEVELOP		EXECUTE		
ISSUES	PROCESS	TQM/NWG	RECOMMENDED ACTION	REVIEW COMMENTS	IMPLEMENT	EVALUATE/
	OWNER	TEAM(S)		G-L ACTION	PLAN/STATUS	FOLLOW-UP
1D LEGAL ASSISTANCE PROCESS ANALYSIS/ UPKEEP	G-LPD	94-NWG- 001 CAPT NORRIS	1. All legal assistance providers should identify, analyze, improve and measure legal assistance process(es). Regular and formalized sharing of good ideas and success stories	1. Field comments: G-L to emphasize "preventative law" libraries/guides, news articles, handouts, circuit riding, etc. G-L should consider providing "Service Members Legal Assistance Guide" to all CG personnel (similar to G-K's Medical Guide)	G-L QMB ACTION 1D-1: Amend COMDTINST to require "process reviews" and "continuous improvement" 1D-2: Develop/provide a "Service Members Legal Assistance Guide." Obtain funding.	G-LPD
1E LEGAL ASSISTANCE BY ROTATIONAL ATTYS	G-LPD	94-NWG- 001 CAPT NORRIS	1. Allow/encourage "out of specialty" attorneys to provide legal assistance subject to respective chain of command concurrence, availability, desire, etc.	1. Field comments: Good idea...but will compete with busy/challenge of other duties, currency on the law, supervisor, etc.	G-L QMB ACTION 1E-1: Amend COMDTINST to permit "out of specialty" attys who are reasonably/ voluntarily available" to provide legal assistance (including oversight, quality, supportability & linkage with local legal offices, etc.) 1E-2: Support COMDTINST amendment with periodic "flag to flag" ltrs.	G-LPD
1F LEGAL ASSISTANCE WORK-LIFE STAFF SUPERVISORY LAWYER ASSIGNMENTS	G-LPD	94-NWG- 001 CAPT NORRIS	1. Assign law specialists to "out of specialty" tours as W-L Supervisors and allow/encourage their provision of legal assistance.	1. Field comments: Might be OK. W-L supervisors are "staff" vice "operational" assignments and not good rotational tours for DCLs.	G-L QMB ACTION 1F-1: Deleted by QMB (idea merged into item 1E).	DONE 11/94 G-LPD
1G LEGAL ASSISTANCE LEGAL SUPPORT STRUCTURE	G-LPD	94-NWG- 001 CAPT NORRIS	1. Study ways to improve capabilities of legal assistance support personnel--including the		G-L QMB ACTION 1G-1: Study this issue	DONE 11/94 G-LPD

Enclosure (3) to COMDTINST 5800.6

G-L BUSINESS PLAN FOUNDATION/ISSUES/DEVELOPMENT (1994-95)				G-L BUSINESS PLAN (1994-95)		
FOCUS	ANALYZE		DEVELOP	EXECUTE		
ISSUES	PROCESS	TQM/NWG	RECOMMENDED ACTION	REVIEW COMMENTS	IMPLEMENT	EVALUATE/
	OWNER	TEAM(S)		G-L ACTION	PLAN/STATUS	FOLLOW-up
			possible conversion of YN's to civilians, etc.		with other YN issues. See item 4E.	
1H LEGAL ASSISTANCE CG-DOD MOU	G-LPD	94-NWG- 001 CAPT NORRIS	1. Study the feasibility of making a formal agreement/MOU between G-L and the DOD TJAGs concerning the cooperative provision of legal assistance to all eligible personnel (i.e. formalize existing practices).	1. G-LPD discussed an MOU with ABA LAMP and DOD. The Army and USCG will prepare a draft MOU for comment/circulation. 7/94.	G-L QMB ACTION 1H-1: This issue has evolved to a proposed Joint Service Cmte on Legal Assistance MOA which, became effective in April 95.; 1H-2: Amend COMDTINST to include this MOA when signed. 1H-3: Amend COMDTINST to include the Joint Service MOU on Powers of Attorney.	G-LPD
1I LEGAL ASSISTANCE "CONTRACTING OUT"	G-LPD	94-NWG- 001 CAPT NORRIS	1. Study the feasibility of "contracting out" legal assistance.	1. Field/staff review comments generally oppose idea. Original HQ W-L staff favored idea but G-PWL now opposes the idea. G-LPD studied & opposes. 4/94 & 4/95  2. DOD services have studied & strongly oppose. 4/94.  3. ABA LAMP strongly opposes. 4/94.  4. G-L disapproved (see item 1J) 6/94.	G-L QMB ACTION 1I-1: Contracting out studied & rejected; 1I-2: Seek legal assistance billets. (See item 1J.)	DONE 6/94 G-LPD
1J LEGAL ASSISTANCE FY96 DETERMINATION & FY96 RCP PROPOSAL	G-LPD	G-LPD	1. Prepare G-L's answers to G-CCS legal assistance questions	1. G-L approved 6/94. See G-LPD	G-L QMB ACTION 1J-1: Continue to seek	G-LPD



G-L BUSINESS PLAN FOUNDATION/ISSUES/DEVELOPMENT (1994-95)				G-L BUSINESS PLAN (1994-95)		
FOCUS	ANALYZE		DEVELOP	REVIEW COMMENTS	EXECUTE	
ISSUES	PROCESS	TQM/NWG	RECOMMENDED ACTION	G-L ACTION	IMPLEMENT	EVALUATE/
	OWNER	TEAM(S)			PLAN/STATUS	FOLLOW-UP
			(i.e. DOD resources/parity, use of DOD, CG resources, & needs/demands) relative to FY96 Determinations.	memos 7100 of 9 June 94 these subjects.	legal assistance resources with RCPs/G-PWL funding;	
			2. Prepare G-L's Legal Assistance RCP for FY96.	2. G-L requested institutionalizing legal assistance in the CG with 15 new attorneys and 5 more YNs (for a total of 15 Attorney/YN legal assistance teams).	1J-2: Continue to work with G-PWL/G-CCS to convert \$440K work-life recurring funds to legal assistance billets.	
2A OPERATIONAL LAW ENFORCEMENT INFO SHARING	G-LMI Assist G-LPD G-LGL	94-NWG-002 CAPT THOMAS	1. Improve information sharing for Law Enforcement support--particularly for "advance preparation" to respond to LE incidents. LDRS/CD-ROM and CG LAW processes are NOT working well. Interim solutions: (a) E-mail "bang" lists to spread the word on lessons learned/requests for information and (b) Expand G-L Highlights to include more LE items/cases. Additionally, G-L should designate a liaison with the MLE School/LE Bulletin Editor and ensure Ops LE information sharing is accomplished using this tool. A G-L QAT/NWG w/ reps from G-O, G-M, etc. should be chartered to resolve this problem.	1. G-LPD Comment: G-L Highlights are intended for the General Counsel and the Commandant (w/ page limitations). Not feasible to expand. 2. LDRS/CD-ROM content is subject to input from the field. Only D17(d1) has submitted items for inclusion, despite repeated requests by G-LPD.	G-L QMB ACTION 2A-1: Reinvigorate "CGLAW" BULLETIN (To include OPS LAW "HOT CASES") (HQ divs/MLC's/Dist/etc.need to provide timely input). 2A-2: Individual/Unit responsibility to share information; 2A-3: RTC Yorktown MLE school attorney should ensure ops law info sharing through "LE BULLETIN"; 2A-4: G-L Highlight expansion/QAT not favored at this time.	DONE 3/95 G-LGL  DONE ALL DONE 4/95 G-LMI  DONE 12/94 G-LPD
2B OPERATIONAL LAW ENFORCEMENT REVIEW AND CONSOLIDATION OF LE GUIDANCE	G-LMI	94-NWG-002 CAPT THOMAS	1. G-L should undertake a comprehensive review of existing legal guidance for OLE. Fragmented, inconsistent, outdated "district SOPs" should be updated. Consider a Legal Services Manual for lawyers and clients that documents expected services, ensures coordination, outlines legal services during all phases of a		G-L QMB ACTION 2B-1: OPS LE info sharing is strongly encouraged; SOP updating is a unit responsibility; Beware of too much standardization "CHILLING" innovation; A QAT is not	DONE 12/94 G-LMI G-LPD

Enclosure (3) to COMDTINST 5800.6

G-L BUSINESS PLAN FOUNDATION/ISSUES/DEVELOPMENT (1994-95)				G-L BUSINESS PLAN (1994-95)		
FOCUS	ANALYZE		DEVELOP	EXECUTE		
ISSUES	PROCESS	TQM/NWG	RECOMMENDED ACTION	REVIEW COMMENTS	IMPLEMENT	EVALUATE/
	OWNER	TEAM(S)		G-L ACTION	PLAN/STATUS	FOLLOW-up
			case--including "case referral" for prosecution, etc. Revise/-update LE/Boarding checklists, model pleadings, CG LE Case Digest, etc. Consider tasking a "lead district" with extensive expertise in a particular LE subject area to keep materials updated/consolidated/published. A G-L QAT/NWG w/ reps from G-O, G-M, etc. should be chartered to resolve this problem.			avored at this time.
2C OPERATIONAL LAW ENFORCEMENT ALLOCATION OF LEGAL RESOURCES FOR LAW ENFORCEMENT TASKS	G-LPD Assist G-LMI	94-NWG-002 CAPT THOMAS	1. Dedicate sufficient resources to ensure adequate support of LE operations--one of the CG's highest profile missions. Allocate legal resources based on objective criteria: (a) level of LE effort/results/number of LE personnel/hours/boardings; (b) volume of vessel activity in an AOR; etc. Annually document/measure LE activity to gauge resource distribution. A G-L QAT/NWG w/ reps from G-O, G-M, etc. should be chartered to resolve this problem.		G-L QMB ACTION 2C-1: Incorporate these ideas into the 1995 HQ/Field streamlining studies; Defer a QAT on this issue.	DONE 2/95 G-LPD G-LMI
3A MILITARY JUSTICE ADVOCACY MAINTAIN STATUS QUO (D5-NLSO & MLCP-NLSO AGREEMENTS)	G-LMJ Assist MLCs D5 G-LPD	94-NWG-003 CAPT SMITH	1. Maintain the current military justice advocacy organization with D5-NLSO Norfolk and MLCP-NLSO San Francisco until the final Navy NLSO configuration and CG "streamlining" organizations become apparent.		G-L QMB ACTION 3A-1: G-L/QMB approved pending implementation of the CG Chief Counsel-Navy TJAG MOU.	DONE 5/95 G-LMJ G-LPD
3B MILITARY JUSTICE ADVOCACY CG CHIEF COUNSEL-USN TJAG AGREEMENT/MOU	G-LMJ Assist MLCs G-LPD	94-NWG-003 CAPT SMITH	1. When the Navy finalizes its NLSO configuration (and if NLSO San Francisco closes), then G-L should reexamine collocation options and consider other options (specifically a CG Chief Counsel-Navy TJAG Agreement/MOU).	1. Field comments: Administering an MOU takes time... who would do this at the HQ level? Who would resolve local issues? Leave MOU administration at the local level.	G-L QMB ACTION 3B-1: G-L chartered NWG is finalizing this MOU for Signature/Implementation 4/95 (Navy counsel will need training in CG ADMIN LAW).	DONE 5/95 G-LMJ

G-L BUSINESS PLAN FOUNDATION/ISSUES/DEVELOPMENT (1994-95)				G-L BUSINESS PLAN (1994-95)		
FOCUS	ANALYZE	DEVELOP		EXECUTE		
ISSUES	PROCESS	TQM/NWG	RECOMMENDED ACTION	REVIEW COMMENTS	IMPLEMENT	EVALUATE/
	OWNER	TEAM(S)		G-L ACTION	PLAN/STATUS	FOLLOW-up
			case--including "case referral" for prosecution, etc. Revise/-update LE/Boarding checklists, model pleadings, CG LE Case Digest, etc. Consider tasking a "lead district" with extensive expertise in a particular LE subject area to keep materials updated/consolidated/published. A G-L QAT/NWG w/ reps from G-O, G-M, etc. should be chartered to resolve this problem.			avored at this time.
2C OPERATIONAL LAW ENFORCEMENT ALLOCATION OF LEGAL RESOURCES FOR LAW ENFORCEMENT TASKS	G-LPD Assist G-LMI	94-NWG-002 CAPT THOMAS	1. Dedicate sufficient resources to ensure adequate support of LE operations--one of the CG's highest profile missions. Allocate legal resources based on objective criteria: (a) level of LE effort/results/number of LE personnel/hours/boardings; (b) volume of vessel activity in an AOR; etc. Annually document/measure LE activity to gauge resource distribution. A G-L QAT/NWG w/ reps from G-O, G-M, etc. should be chartered to resolve this problem.		G-L OMB ACTION 2C-1: Incorporate these ideas into the 1995 HQ/Field streamlining studies; Defer a QAT on this issue.	DONE 2/95 G-LPD G-LMI
3A MILITARY JUSTICE ADVOCACY MAINTAIN STATUS QUO (D5-NLSO & MLCP-NLSO AGREEMENTS)	G-LMJ Assist MLCs D5 G-LPD	94-NWG-003 CAPT SMITH	1. Maintain the current military justice advocacy organization with D5-NLSO Norfolk and MLCP-NLSO San Francisco until the final Navy NLSO configuration and CG "streamlining" organizations become apparent.		G-L OMB ACTION 3A-1: G-L/OMB approved pending implementation of the CG Chief Counsel-Navy TJAG MOU.	DONE 5/95 G-LMJ G-LPD
3B MILITARY JUSTICE ADVOCACY CG CHIEF COUNSEL-USN TJAG AGREEMENT/MOU	G-LMJ Assist MLCs G-LPD	94-NWG-003 CAPT SMITH	1. When the Navy finalizes its NLSO configuration (and if NLSO San Francisco closes), then G-L should reexamine collocation options and consider other options (specifically a CG Chief Counsel-Navy TJAG Agreement/MOU).	1. Field comments: Administering an MOU takes time... who would do this at the HQ level? Who would resolve local issues? Leave MOU administration at the local level.	G-L OMB ACTION 3B-1: G-L chartered NWG is finalizing this MOU for Signature/Implementation 4/95 (Navy counsel will need training in CG ADMIN LAW).	DONE 5/95 G-LMJ

Enclosure (3) to COMDTINST 5800.6

G-L BUSINESS PLAN FOUNDATION/ISSUES/DEVELOPMENT (1994-95)				G-L BUSINESS PLAN (1994-95)		
FOCUS	ANALYZE		DEVELOP	EXECUTE		
ISSUES	PROCESS	TQM/NWG	RECOMMENDED ACTION	REVIEW COMMENTS	IMPLEMENT	EVALUATE/
	OWNER	TEAM(S)		G-L ACTION	PLAN/STATUS	FOLLOW-UP
			2. 94-NWG-003 recommended and provided a draft MOU/Agreement patterned after MLCP-NLSO San Francisco agreement.	Do not give Art 31, "booker" or Admin Bd work to the NLSOs.		
			3. G-L should consider taking immediate steps to "negotiate" a CG Chief Counsel-Navy TJAG MOU Agreement.			
3D MILITARY JUSTICE ADVOCACY ENSURING EXPERIENCE AND EXPERTISE	G-LMJ Assist MLCs G-LPD	94-NWG- 003 CAPT SMITH	1. Do not "undo" the NLSO arrangements as a means of gaining greater military justice experience. Instead, explore other avenues for ensuring and enhancing military justice experience for attorneys not assigned to MLCP or D5.  2. When a CG Chief Counsel-Navy TJAG MOU is being developed, G-L should preserve our right to use "non-NLSO" counsel when desired.  3. SJAs should ensure proper military justice "mentoring" and "experience" for new attorneys.		G-L OMB ACTION 3C- 1: HQ Div/Field legal officers should ensure proper Military Justice: "Mentor- ing" and "Experi- ence" for new attorneys; We must grow enough Mil- itary Justice expe- rience to meet our future needs (e.g. SJA, MJ, CCA JUDG- ES, ETC.)	DONE 1/95 G-LMJ
3D MILITARY JUSTICE ADVOCACY DEFENSE/ ADVOCACY COMMAND CONCEPTS	G-LMJ Assist MLCs G-LPD	94-NWG- 003 CAPT SMITH	1. There should NOT presently be a CG Defense/Advocacy Command.  2. However, if Navy NLSO or CG consolidation or other factors undermine the effectiveness of the NLSO Agreements/CG Chief Counsel-Navy TJAG MOU, then consider the following:  (a) Pipeline training: Naval Justice School followed by NLSO TAD prior to reporting to first CG legal assignment;	1. Field comments: Pipeline NLSO training would be a big disadvantage to DCLs trying to learn a lot about the CG. There are lots of ways to get MJ experience for those who want it. G-L should reorga- nize our defense functions into an independent Advocacy Command. The twin districts approach is a good idea.	G-L OMB ACTION 3D- 1: G-L will consid- er these options in the future as circumstances change and develop.	DONE 1/95 G-LMJ

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FOCUS	ANALYZE		DEVELOP	EXECUTE		
ISSUES	PROCESS	TQM/NWG	RECOMMENDED ACTION	REVIEW COMMENTS	IMPLEMENT	EVALUATE/
	OWNER	TEAM(S)		G-L ACTION	PLAN/STATUS	FOLLOW-UP
			(b) CG Defense/Advocacy Command collocated near major CG Command (e.g. HQ) or NLSO;			
			(c) Return Advocacy function to MLCs; or			
			(d) "Twin" districts approach(e.g. D2 provides own TC and DC for D9; D9 provides own TC and DC for D2).			
3E MILITARY JUSTICE ADVOCACY DEFENSE APPELLATE COUNSEL RATING CHAIN	G-L G-LPD G-LCL	94-NWG- 003 CAPT SMITH	1. No recommendation as to physical location of the office of the Defense Appellate Counsel.  2. G-LPD should become the rating chain supervisor for the Defense Appellate Counsel.	1. G-L approved in part/disapproved in part 5/94.  2. Per G-L decision memo of 5/94 Defense Appellate Counsel designated "G-L-5" with the following OER rating chain: Supervisor: G-L-2 Reporting: G-L-2 Reviewing: G-L  3. G-L-5 office remains in G-LMJ, but G-L-5 to report administratively to G-LPD.	G-L QMB ACTION 3E- 1: Defense Appellate counsel designated G-L-5 with OER rating of: G-L-2, G-L-2, and G-L.	DONE 5/94 G-LPD
4A LEGAL, PROGRAM PERSONNEL ISSUES DIRECT COMMISSION LAWYERS (DCLs) ACCESSION PAY GRADE	G-LPD	94-NWG- 004 CAPT WIESE	1. Recruit DCLs as O2s.  2. Monitor the size and quality of the applicant pool; upon implementation of O2 accession, assess whether O2 accession is too adversely affecting them.	1. See G-LPD's Study: "Career Management of CG Law Specialists (Philosophy of Life)". Results pend.  2. Field comments: Bring DCLs in as O2 only if "allowed" to have a full	G-L QMB ACTION 4A- 1: G-L/OMB approved and G-LPD memo of 18 AUG 94 sought G-P approval which was obtained on 23 SEPT 1994.	DONE 9/94 G-LPD

Enclosure (3) to COMDTINST 5800.6

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FOCUS	ANALYZE		DEVELOP	EXECUTE		
ISSUES	PROCESS	TQM/NWG	RECOMMENDED ACTION	REVIEW COMMENTS	IMPLEMENT	EVALUATE/
	OWNER	TEAM(S)		G-L ACTION	PLAN/STATUS	FOLLOW-UP

career (e.g. send to OCS, short field tour, NJS, then first legal tour). Good idea if DCLs sent to OCS and graduate as O2s (CG lawyers are more like USMC attorney line officers).

3. G-LPD research on DOD JAGs: The Army, Navy and Air Force commission new lawyers as O2s...6 month promotion to O3 is a tool to reduce their costs until graduation from Basic Lawyer School...promotions to O3 are fairly automatic/fully qualified board. Army: 3 yr contract, FLEP 6 yrs/ROTC 4 yrs; Navy: 3 yr contract; USAF: 4 yr contract; USMC: commissions as O1, must attend OCS, Basic Course, Lawyer Course prior to first legal assignment (3-4 yr contracts). Note: USCG: commissions as O3 w/ 4yr contract (2 yrs if not yet passed the bar w/ add'l 2 yrs upon successful bar).

G-L BUSINESS PLAN FOUNDATION/ISSUES/DEVELOPMENT (1994-95)				G-L BUSINESS PLAN (1994-95)		
FOCUS	ANALYZE		DEVELOP	EXECUTE		
ISSUES	PROCESS	TQM/NWG	RECOMMENDED ACTION	REVIEW COMMENTS	IMPLEMENT	EVALUATE/
	OWNER	TEAM(S)		G-L ACTION	PLAN/STATUS	FOLLOW-UP
4B LEGAL PROGRAM PERSONNEL ISSUES DIRECT COMMISSION LAWYERS (DCLs) RECRUITING	G-LPD	94-NWG- 004 CAPT WIESE	<p>1. The Legal Program should take "ownership" of the task of recruiting DCLs.</p> <p>2. G-L should require ALL "out-posts" of the law firm to initiate contacts with law schools in their areas, visiting them where possible, and actively making themselves available to law students and other prospects as information sources.</p> <p>3. G-L should provide a recruiting information package to legal offices, ensuring consistent information is given to all prospects.</p> <p>4. G-L should provide a post-selection package to legal offices, ensuring consistent treatment of selectees.</p> <p>5. G-L should investigate the possibility of recruiting second-year law students into the Coast Guard Reserve, using them as clerks in the summer, then activating them upon graduation from law school.</p>	<p>1. Field comments: G-L should publish/follow an ANNUAL DCL RECRUITING PLAN to assure program needs are met and to provide the necessary "care and feeding" to DCLs. Accelerate DCL selection process--it's too slow. Recruit as a "temporary job" if that's what it is. Recruit 2nd year law students and let them clerk in the summer. Expand the work-study program of law schools as a CG law recruiting tool. Establish a formal DCL "Mentoring" program. Continue to send G-LPD/A mentor to speak to DCLs at NJS Course. Promulgate a set of DCL policies, tips, and procedures.</p>	<p>G-L OMB ACTION 4B-1: The legal program will take a leadership role, in active partnership with MPC-rec, in the task of recruiting DCL's; 4B-2: Develop/publish an "Annual DCL recruiting plan" by COMDTNOTE (including: law school visits/contacts, "consistent info" packages, DCL checklists for selectees, centralized focal point @ G-LPD, sponsor/mentor program, etc.); 4B-3: Form a QAT w/members from G-P, G-LGL, G-LPD, MPC-rec, etc. to investigate recruiting 2nd year law students into CG reserve, using them as clerks in the summer, and activating them upon graduation from law school/bar admission.</p>	G-LPD
4C LEGAL PROGRAM PERSONNEL ISSUES DIRECT COMMISSION LAWYERS (DCLs) OUT OF SPECIALTY ASSIGNMENTS	G-LPD	94-NWG- 004 CAPT WIESE	<p>1. Make out of specialty assignment mandatory for DCLs after initial four year tour.</p> <p>2. Monitor promotion, extension, and integration success of DCLs. Publish the results, along with promotion success of Coast Guard lawyers from other sources.</p>	<p>1. See G-LPD's Study: "Career Management of CG Law Specialists (Philosophy of Life)". Results pend.</p> <p>2. G-LPD Comments: 1994 assignments to</p>	<p>G-L OMB ACTION 4C-1: Law specialists "Philosophy of Life" will reflect that "Out-of-Specialty: Assignments are strongly encouraged. Career monitoring data and policies will be published.</p>	G-LPD

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G-L BUSINESS PLAN FOUNDATION/ISSUES/DEVELOPMENT (1994-95)				G-L BUSINESS PLAN (1994-95)		
FOCUS	ANALYZE		DEVELOP		EXECUTE	
ISSUES	PROCESS OWNER	TQM/NWG TEAM(S)	RECOMMENDED ACTION	REVIEW COMMENTS G-L ACTION	IMPLEMENT PLAN/STATUS	EVALUATE/FOLLOW-UP
			3. Publish the policy on DCL out-of-specialty assignments, along with historical data on career paths of DCLs.	out-of-specialty tours for new attorneys were not possible due to add'l 7 attorney billets, etc. G-LPD is "planning" for all 1995 "tour complete" DCLs to be permitted rotational tours. 7/94.		
4D LEGAL PROGRAM PERSONNEL ISSUES "PURPLE SUIT" OR "CIVILIANIZATION" CONCERNS	G-LPD	94-NWG-004 CAPT WIESE	1. There is no indication that a "purple suit" legal organization should be a concern of the CG legal program at this time.  2. Total "civilianization" of the Coast Guard legal program is not in the best interest of the Coast Guard.	1. G-L noted and concurs 4/94.  2. No further action required.	G-L QMB ACTION 4D-1: Issues resurfaced in CG Streamlining/DOT restructuring--but disregarded by study teams.	DONE 4/94 G-LPD 2/95
4E LEGAL PROGRAM PERSONNEL ISSUES LEGAL YEOMAN	G-LPD	94-NWG-004 CAPT WIESE	1. Job requirements of Legal YNs needs to be defined by G-L to cover progressive tours in legal offices. G-L's failure to define skills which make Legal YN's unique contributes to the MPC-epm view that "a YN is a YN".  2. Basic pipeline training needs to be provided to each YN selected for a legal office billet--before reporting to their first legal assignment.  3. G-L should encourage well qualified YNs to apply for legal duty. G-L should interview YN candidates for legal duty prior to selection for legal duty.  4. G-L should develop a process to remove/reassign YNs who prove		G-L QMB ACTION 4E-1: Charter a QAT with members from G-P, MPC-epm, G-LPD, Field Legal Offices (YN), etc. to resolve all of these issues, including item 1G. Notes: (1)NJS has developed a new CG legal YN Course and it is planned to be taught in the Summer 1995. Ideally, this would be pipeline training, but funding is a problem. (2)G-LPD has submitted requests for qual codes to be placed on certain YN billets at	G-LPD



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	OWNER	TEAM(S)		G-L ACTION	PLAN/STATUS	FOLLOW-UP
			<p>inadequate for legal duties.</p> <p>5. Evaluate feasibility of converting some YN billets to civilian positions where local wage scales/job market permits.</p> <p>6. Improve Legal YN training.</p> <p>7. The current system of Legal YN designations is not working and needs to be fixed. There is no "career track" for Legal YNs (e.g. no legal questions on service-wide exams, career pressure to go out of legal to PERSRUs, etc.). Legal YN's should be assigned "two to an office" with staggered assignment cycles.</p> <p>8. The use of Legal YNs for court reporting is not practical. Consider assigning trained court reporting YNs to billets where they can do a lot of court reporting (otherwise they lose their skill).</p>			<p>our field legal offices--demonstrating where these qualifications are needed.</p>
4F LEGAL PROGRAM PERSONNEL ISSUES CIVILIAN ATTORNEYS	G-LPD	94-NWG- 004 CAPT WIESE	1. Examine civilian attorney positions with a view towards upgrading journeyman field attorney positions to grade 14. Create additional grade 15 positions where appropriate (e.g. at MLCs and as Assistant Division Chiefs @ HQ where Division Chief is military).	1. Field Comments: Civilian attorneys should be eligible for advanced educational opportunities (e.g. LLMs) as full members of the law firm.	G-L OMB ACTION 4F-1: Federal Gov't Restructuring Act, high grade reductions/freezes, CG Streamlining, DOT Restructuring, etc. impacts grading positions of CG civilian attorneys; 4F-2: "Hiring Official" should disseminate vacancy announcements throughout the law firm to foster "promotions from	G-LPD

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G-L BUSINESS PLAN FOUNDATION/ISSUES/DEVELOPMENT (1994-95)				G-L BUSINESS PLAN (1994-95)		
FOCUS	ANALYZE		DEVELOP	EXECUTE		
ISSUES	PROCESS	TQM/NWG	RECOMMENDED ACTION	REVIEW COMMENTS	IMPLEMENT	EVALUATE/
	OWNER	TEAM(S)		G-L ACTION	PLAN/STATUS	FOLLOW-UP
			<p>2. Widely disseminate vacancy announcements throughout the law firm to foster "promotion from within".</p> <p>3. Encourage use of "details" and "job swapping" to provide diversified experience for civilian attorneys.</p> <p>4. Promote monetary and non-monetary recognition for civilian attorneys.</p>	<p>2. The Gov't Employee Training Act, 5 USC 4101 et seq, permits a one year training program at government expense for civilians. Pay back is 3 for 1. Training cannot be to fulfill a basic requirement for employment, so G-LPL attorney could get Gov't Contracts LLM because an LLM is not req'd to work in G-LPL.</p>	<p>within" &amp; coordinate with servicing civilian personnel offices.</p> <p>4F-3: Encourage and facilitate diversified experience for civilian attorneys, including opportunities for employment in the practice of law with other gov't agencies, modes, divisions, etc;</p> <p>4F-4: Promote monetary and non-monetary recognition for civilians;</p> <p>4F-5: Civilian attorneys at HQ and in the field are eligible for advanced educational opportunities (e.g. LLMs) as full members of the law firm; 4F-6: Publish/develop/incorporate these concepts into appropriate policy guidance or a civilian "Philosophy of Life" document.</p>	G-LPD
4G LEGAL PROGRAM PERSONNEL ISSUES TRAINING AND EDUCATION	G-LPD	94-NWG-004 CAPT WIESE	1. Zero-base all training requirements by billet, including enlisted, officer, and civilian.	1. G-L OMB studied/recommended that the LLM for 1995-96 be in Environmental Law. Other study areas scoring high were: Gov't Contracts and Maritime/Admiralty/Int'l Law. 6/94.	G-L OMB ACTION 4G-1: Charter a NWG to study/consider "Zero-Basing" training by billet/ office, promoting CLE info sharing, "Just in time" Military Justice Trng, etc;	G-LPD

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FOCUS	ANALYZE		DEVELOP	EXECUTE	
ISSUES	PROCESS OWNER	TQM/NWG TEAM(S)	RECOMMENDED ACTION	REVIEW COMMENTS G-L ACTION	IMPLEMENT EVALUATE/ PLAN/STATUS FOLLOW-UP
			<p>2. Provide pipeline training to meet billet needs for YNs and Officers prior to arrival at unit--followed by more advanced training during their tour(s). Attorneys need a different mix of training than that currently offered by the Naval Justice School (e.g. military justice training should be provided "just in time").</p> <p>3. G-L should continue to meet mandatory CLE requirements with funding and permissive orders/ administrative leave.</p> <p>4. Continue to provide an LLM program to meet identified needs. Consider various/other areas of study. The program should be open to both military and civilian attorneys. There should be a 4-yr obligated service commitment.</p>	<p>2. G-L approved the following plan: 1995-96: Env Law 1996-97: Gov't Contracts. 6/94.</p> <p>3. Issue of mandatory 4 yr "pay back" for LLM education pends.</p> <p>4. G-P chartered QAT regarding training tied to billets will likely result in a re-requirement for zero-basing all training. Standby.</p>	<p>4G-2: CLE policy will be incorporated into the G-L law specialist "Philosophy of Life" as drafted by CAPT McClelland and approved by G-L/QMB; 4G-3: Obtain clearance from MPC-opm/ G-P (or a statutory/regulatory fix) to require a 4-year "pay back" for an LLM program.</p> <p>4G-4: Encourage off-duty/night school LLM's. Consider more than 1 LLM per year in the future--but not now.</p>
4H LEGAL PROGRAM PERSONNEL ISSUES STUDY: LAWYER CAREER MANAGEMENT/ PHILOSOPHY OF LIFE	G-LPD	<p>94-NWG-004 CAPT WIESE</p> <p>G-L 1994 CHARTERED STUDY: CAPT BECK</p>	<p>1. The CG Law Specialists Career Management "philosophy of life" must be consistent with CG core values. Military attorneys must comprise the majority of the Coast Guard legal program. They must have broad legal and operational experience in order to provide optimum support to operational commanders. Civilian attorneys may be specialized and must have grade levels consistent with responsibilities. While legal YNs do not have an officially recognized</p>	<p>1. G-LPD Study deals with CG Law Specialists only. Survey completed. Analyzing data. Pends.</p>	<p>G-L QMB ACTION 4H-1: Publish this document by Summer 1995; 4H-2: Recommendation 5 deleted by QMB/G-L.</p>

Enclosure (3) to COMDTINST 5800.6

G-L BUSINESS PLAN FOUNDATION/ISSUES/DEVELOPMENT (1994-95)				G-L BUSINESS PLAN (1994-95)		
FOCUS	ANALYZE		DEVELOP	EXECUTE		
ISSUES	PROCESS	TQM/NWG	RECOMMENDED ACTION	REVIEW COMMENTS	IMPLEMENT	EVALUATE/
	OWNER	TEAM(S)		G-L ACTION	PLAN/STATUS	FOLLOW-UP

career track in the Coast Guard, repeat legal tours should be encouraged.

2. The MPC uses the following factors in assignment decisions: Needs of the service, individual desires, family needs, co-location needs, career patterns/development, diversity, budget constraints, and personnel evaluations. G-L must obtain MPC "buy in" to ensure that the "G-L Philosophy of Life" is considered part of the "needs of the service".

3. Guiding Principles: PG Law School should occur after two tours (5-6 years of service). G-L must have enough attorneys to allow for reasonable rotational tour opportunities. Attorneys should be assigned to a District Legal Office early in their careers--first or second billet. G-L/MPC's assignment philosophy should not disadvantage those attorneys seeking out of specialty tours. The PG funded and DCL mix of military attorneys should be balanced. DCLs should be required to serve a rotational tour as a second CG assignment. LCDR independent duty billets should be used as professional growth opportunities for high performing LCDRs. G-L must ensure that all civilian attorney positions are classified at the proper level consistent with the responsibilities. Since there is no recognized "career track" for legal YN, G-L should encourage legal YN to seek repeat legal tours

G-L BUSINESS PLAN FOUNDATION/ISSUES/DEVELOPMENT (1994-95)				G-L BUSINESS PLAN (1994-95)		
FOCUS	ANALYZE	DEVELOP		EXECUTE		
ISSUES	PROCESS	TQM/NWG	RECOMMENDED ACTION	REVIEW COMMENTS	IMPLEMENT	EVALUATE/
	OWNER	TEAM(S)		G-L ACTION	PLAN/STATUS	FOLLOW-up
			and require MPC to support G-L's need for "repeat" and "qualified" legal YN.			
			4. G-L should formally communicate the Philosophy of Life to MPC, all law specialists, etc.			
			5. All supervisors of civilian employees should be required to conduct a job description review and certify to G-L that the civilian positions are properly classified.			
4I LEGAL PROGRAM PERSONNEL ISSUES PG SCHOOL GUIDELINES	G-LPD	G-LPD	1. Develop a "checklist" set of guidelines for all PG Law School students.	1. G-LPD developed guidelines and will make checklist available to all PG law students. Document will also be included in G-L SOP for further reference. 7/94.	G-L QMB ACTION 4I-1: This has been accomplished by G-LPD.	DONE 7/94 G-LPD 3/95  REVISE 5/95
4J LEGAL PROGRAM PERSONNEL ISSUES CG LAWYER CODE OF PROFESSIONAL RESPONSIBILITY	G-LPD	G-LPD	1. Consider adopting a CG Code of Professional Responsibility.  2. Status Quo: Each CG attorney is subject to the Rules of Professional Responsibility for the jurisdiction where licensed. They are also required to follow the various rules in the MJM/MCM and other Chief Counsel/General Counsel directives.	1. Maintaining status quo.  2. 1993: G-LPD Summer Law Clerk compared draft rules from earlier Legal Officers Conf with Navy, USAF, Army rules, plus ABA rules. G-LPD plans to maintain the status quo.	G-L QMB ACTION 4J-1: No further action is contemplated on this item at this time. Implementing CG rules would create a need for an entity/resource to interpret, update, etc. plus oversee a disciplinary system.	DONE 7/94 G-LPD
4K LEGAL PROGRAM PERSONNEL ISSUES ACTIVE v. INACTIVE BAR LICENSE STATUS	G-LPD	G-LPD	1. CG PERMAN currently requires active bar membership to become a law specialist--and the MJM requires this for Article 27(b) certification--and implies continuing that status when in	1. Based on G-LPD Summer Law Clerk Study in 1993.	G-L QMB ACTION 4K-1: No further action at this time.	DONE 9/94 G-LPD

Enclosure (3) to COMDTINST 5800.6

G-L BUSINESS PLAN FOUNDATION/ISSUES/DEVELOPMENT (1994-95)				G-L BUSINESS PLAN (1994-95)		
FOCUS	ANALYZE		DEVELOP	EXECUTE		
ISSUES	PROCESS	TQM/NWG	RECOMMENDED ACTION	REVIEW COMMENTS	IMPLEMENT	EVALUATE/
	OWNER	TEAM(S)		G-L ACTION	PLAN/STATUS	FOLLOW-up
			<p>legal billets. UCMJ/MCM does not require active membership. Most bars now have mandatory CLE for active status lawyers but not inactive. DOD services merely require their JAGs to be members "in good standing" of a state bar, which can permit inactive status. G-LPD recommends that we drop the "active" membership requirement and go to a "member in good standing" standard with annual certification to G-LPD (or whenever reporting to a legal billet). Further recommend that G-L/QMB approve change as recommended and that G-LPD initiate required changes to the PERSMAN/MJM.</p>			
5A LEGAL PROGRAM ORGANIZATION Field Legal Offices/ Organization	G-LPD	94-NWG-005 CAPT MATTHEW	<p>1. Reallocate workload to reflect current practice whenever possible (e.g. "people" legal services/issues and environmental compliance are being provided locally). No change in resources recommended at this time. Needs further analysis. Update Organizational Manual.</p> <p>2. Wherever possible, reallocate expertise and resources to track reallocated workload (e.g. relocate some legal resources to the districts to provide services without regard to organizational chain of command).</p> <p>3. Initiate a program of further documenting personnel legal service needs and seek additional resources based on the documented need (e.g. the need for expanded legal assistance). See items 1C &amp; 1J (Survey &amp; FY96 RCP).</p>	<p>1. Field comments: Much of this requires further study and analysis. Publish a "Service Members Legal Assistance Guide" if you can find the money. Allocation of workload by unit won't work for MLCs or D8 (one "size" does not fit all). Beware of being a "jack of all trades and master of none" and the need for "specialization pockets" in the law firm. Be flexible. Reallocating workload requires reallocating resources. Develop measures of effectiveness/liability exposure.</p>	G-L QMB ACTION 5A-1: This issue will be incorporated into G-L's "Field Streamlining the CG" efforts and generally deferred pending streamlining outcome. Publish a "Field Legal Services Manual" after streamlining. Update CG Organization Manual after streamlining. Workload allocation is a matter for local managerial discretion, but good ideas should be circulated throughout the law firm for information/consideration.	G-LPD

G-L BUSINESS PLAN FOUNDATION/ISSUES/DEVELOPMENT (1994-95)			G-L BUSINESS PLAN (1994-95)			
FOCUS	ANALYZE	DEVELOP	EXECUTE			
ISSUES	PROCESS	TQM/NWG	RECOMMENDED ACTION	REVIEW COMMENTS	IMPLEMENT	EVALUATE/
	OWNER	TEAM(S)		G-L ACTION	PLAN/STATUS	FOLLOW-UP
			4. Publish a CG-wide "Legal Services Manual". User friendly guide for legal service providers and clients.			
			5. Consider, where practical, encouraging field legal officers to allocate workload among attorneys by unit as opposed to area of law (e.g. D1 model).			
5B LEGAL PROGRAM ORGANIZATION OFFICE OF THE CHIEF COUNSEL	G-LPD	94-NWG-005 CAPT MATTHEW	1. Request more attorney billets for the Chief Counsel's Office.	1. FY96 RCP requested 15 Attorney and 5 YN billets for the G-L legal assistance program in the field and at HQ.	G-L QMB ACTION 5B-1: This issue will be incorporated into G-L's "HQ Streamlining" efforts and generally deferred pending streamlining outcome. Additional G-L billets will be requested as needed. Publish a "HQ Legal Services Manual" after streamlining. Update CG Organization Manual after streamlining. Establish a G-L "Outreach Program" to improve attorney-client relationships.	G-LPD
			2. Publish a HQ Legal Services Manual (different from the Organizational Manual--which also needs updating).	2. Field comments: Be careful loading too much "liaison" duties onto an already busy staff that informally conducts "liaison" already.	Use Division NWGs to identify attorney-client relationship principles and incorporate common principles into the G-L SOP.	
			3. Appoint attorneys in the Chief Counsel's Office as "Pro-	3. Obtain appropriate communica-		

Enclosure (3) to COMDTINST 5800.6

G-L BUSINESS PLAN FOUNDATION/ISSUES/DEVELOPMENT (1994-95)				G-L BUSINESS PLAN (1994-95)		
FOCUS	ANALYZE		DEVELOP	EXECUTE		
ISSUES	PROCESS	TQM/NWG	RECOMMENDED ACTION	REVIEW COMMENTS	IMPLEMENT	EVALUATE/
	OWNER	TEAM(S)		G-L ACTION	PLAN/STATUS	FOLLOW-UP
			gram Advocates" (or liaisons) for other programs/Offices at HQ.	tion and leadership training.		
5C LEGAL PROGRAM ORGANIZATION HQ ORGANIZATION	G-LPD	94-NWG-005 CAPT MATTHEW	<p>1. Designate the Commanding Officer of the Military Personnel Command (MPC) as a HQ Command with General Courts-martial Convening Authority. Designate the CO MPC as the CO of HQ personnel. Transfer the attorney billets currently assigned to G-L for physical disability evaluation system counseling and legal assistance to the MPC for those purposes plus staffing a Staff Judge Advocate/Staff Legal Office within the MPC/HQ Command and to serve HQ as a field unit.</p> <p>2. Reply to MPC ltr 5320 of 7 March 1994 requesting G-L views on an MPC SJA/legal office and legal resources.</p>	<p>1. Field comments: G-CCS/CAS should continue to be "CO of HQ" (not MPC-- which may physically move from Washington, D.C.). MPC reports to G-P not G-CCS. Keep G-CCS as CO/HQ and G-CAS as XO/HQ/CO of enl staff...this was previously studied in depth and the status quo should remain. G-CCS needs to be a CO of HQ Office Chiefs. Historically, G-L decided that all G-L divisions should provide HQ legal advice to G-CAS with the exception of military justice-- which would come from MLCA. Making MPC a GCM Authority with an SJA/legal staff might work-- but much more study and analysis is needed (e.g. would MPC lawyers be TCs, legal assistance officers, and PDES counsel? If so, conflicts of interest will likely occur). Respond to MPC by favoring the</p>	G-L QMB ACTION 5C-1: This issue has largely been overtaken by the "HQ Streamlining" study and the "Senior Management Working Group" project. It pends further development as HQ Streamlining evolves.	G-LPD



Enclosure (3) to COMDTINST 5800.6

G-L BUSINESS PLAN FOUNDATION/ISSUES/DEVELOPMENT (1994-95)				G-L BUSINESS PLAN (1994-95)		
FOCUS	ANALYZE		DEVELOP	EXECUTE		
ISSUES	PROCESS	TQM/NWG	RECOMMENDED ACTION	REVIEW COMMENTS	IMPLEMENT	EVALUATE/
	OWNER	TEAM(S)		G-L ACTION	PLAN/STATUS	FOLLOW-UP
				concept, but suggesting the need for a Focus Group/QAT with members from G-L, MPC, G-CAS, etc.		
5D LEGAL PROGRAM ORGANIZATION OFFICE OF CHIEF COUNSEL/ G-L SOP	G-LPD	G-LPD	1. Develop and publish a process and procedural guide for the Office of the Chief Counsel as the G-L SOP.	1. G-LPD has completed approximately 75% of the work associated with the first edition. Pends. 7/94.	G-L OMB ACTION 5D-1: Final development and publication of the G-L SOP pends. Completed/ Published 3/95.	DONE 3/95 G-LPD
6A LEGAL PROGRAM IRM LAWS Data Base	G-LPD	G-LPD	1. Publish Commandant Instruction formalizing the mandatory use of LAWSdb within the Legal Program per decision of G-L.	Pends in G-LPD.	G-L OMB ACTION 6A-1: Publishing COMDTINST on LAWSdb pends.	DONE 5/95 G-LPD

UNITED STATES COAST GUARD  
CHIEF COUNSEL



LEGAL PROGRAM BUSINESS PLAN  
1995

PREPARED: D. Gary Beck DATE: 16 June 1995  
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Chief, Legal Policy & Program Development Division

APPROVED: R. B. Helsel DATE: 8/29/95  
R. B. HELSEL  
Deputy Chief Counsel  
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APPROVED: J. E. Shkor DATE: 8/29/95  
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RADM, USCG  
Chief Counsel  
Legal Program Director

Enclosure (4) to COMDTINST 5800.6

**COMMANDANT'S DIRECTION AND  
COAST GUARD GOALS**

1. PROVIDE LEADERSHIP AND A WORKING ENVIRONMENT TO ENABLE ALL OF OUR PEOPLE TO REACH THEIR FULL POTENTIAL.
2. PLACE DIVERSITY IN THE COAST GUARD AT CENTER STAGE.
3. MEET THE MANDATE TO STREAMLINE WITH NO REDUCTION IN ESSENTIAL SERVICES.
4. MAINTAIN A STRONG RESPONSE CAPABILITY; ALWAYS READY AS A MILITARY SERVICE TO MEET MULTI-MISSION REQUIREMENTS.
5. ENHANCE AND EXTEND OUR REPUTATION AS THE WORLD'S PREMIER MARITIME SERVICE.
6. ENGAGE THE COAST GUARD AS AN INTERMODAL PARTNER IN THE IMPLEMENTATION OF THE DOT STRATEGIC PLAN, PARTICULARLY IN THE AREAS OF INFRASTRUCTURE AND SAFETY.
7. ENSURE THAT THE COAST GUARD EPITOMIZES THE BEST IN QUALITY MANAGEMENT PRACTICES AND PERFORMANCE.
8. PURSUE AND EXPLOIT NEW TECHNOLOGIES TO ACHIEVE GAINS IN PRODUCTIVITY AND ENHANCE MISSION PERFORMANCE.

**OFFICE OF CHIEF COUNSEL  
UNITED STATES COAST GUARD  
LEGAL PROGRAM BUSINESS PLAN 1995**

<b>ISSUE</b>	<b>G-L PROGRAM ACTION/POLICY</b>	<b>TASKING LEAD</b>	<b>STATUS/PROGRESS</b>
1. CG CHIEF COUNSEL - NAVY TJAG MOU ON MILITARY JUSTICE ADVOCACY. GOAL 7.	A. G-L CHARTERED NWG IS FINALIZING THIS MOU FOR SIGNATURE/IMPLEMENTATION 3/95 (NAVY COUNSEL WILL NEED TRAINING IN CG ADMIN LAW)	G-LMJ	COMPLETED 5/95
2. DCL RECRUITING. GOALS 1 AND 2.	<p>A. THE LEGAL PROGRAM WILL TAKE A LEADERSHIP ROLE, IN ACTIVE PARTNERSHIP WITH MPC-rec, IN THE TASK OF RECRUITING DCL's.</p> <p>B. DEVELOP/PUBLISH AN "ANNUAL DCL RECRUITING PLAN" BY COMDTNOTE (INCLUDING: LAW SCHOOL VISITS/CONTACTS, "CONSISTENT INFO" PACKAGES, DCL CHECKLISTS FOR SELECTEES, CENTRALIZED FOCAL POINT @ G-LPD, SPONSOR/MENTOR PROGRAM, ETC.)</p> <p>C. FORM A QAT W/MEMBERS FROM G-P, G-LGL, G-LPD, MPC-rec, etc. TO INVESTIGATE RECRUITING 2ND YEAR LAW STUDENTS INTO CG RESERVE, USING THEM AS CLERKS IN THE SUMMER, AND ACTIVATING THEM UPON GRADUATION FROM LAW SCHOOL/BAR ADMISSION.</p>	G-LPD	
3. LAWSdb. GOAL 8.	A. PUBLISH COMDTINST ON LAWSdb.	G-LPD	COMPLETED 5/95

Enclosure (4) to COMDTINST 5800.6

OFFICE OF CHIEF COUNSEL UNITED STATES COAST GUARD  
LEGAL PROGRAM BUSINESS PLAN 1995 (cont.)

<u>ISSUE</u>	<u>G-L PROGRAM ACTION/POLICY</u>	<u>TASKING LEAD</u>	<u>STATUS/PROGRESS</u>
4. TRAINING & EDUCATION. GOAL 1.	A. CHARTER A NWG TO STUDY/CONSIDER "ZERO-BASING" TRAINING BY BILLET/OFFICE, PROMOTING CLE INFO SHARING, "JUST IN TIME" MILITARY JUSTICE TRNG, ETC.  B. CLE POLICY WILL BE INCORPORATED INTO THE G-L LAW SPECIALIST "PHILOSOPHY OF LIFE" AS DRAFTED BY CAPT MCCLELLAND AND APPROVED BY G-L/QMB.  C. OBTAIN CLEARANCE FROM MPC-opm/G-P (OR A STATUTORY/REGULATORY FIX) TO REQUIRE A 4-YEAR "PAY BACK" FOR AN LLM PROGRAM.  D. ENCOURAGE OFF-DUTY/NIGHT SCHOOL LLM's. CONSIDER MORE THAN 1 LLM PER YEAR IN THE FUTURE.	G-LPD	
5. LAW SPECIALIST CAREER MANAGEMENT/ PHILOSOPHY OF LIFE. GOALS 1 AND 2.	A. PUBLISH THIS DOCUMENT ASAP.	G-LPD	
6. DCL "OUT-OF-SPECIALTY" ASSIGNMENTS. GOAL 4.	A. LAW SPECIALIST "PHILOSOPHY OF LIFE" WILL REFLECT THAT "OUT-OF-SPECIALTY" ASSIGNMENTS ARE STRONGLY ENCOURAGED. CAREER MONITORING DATA AND POLICIES WILL BE PUBLISHED.	G-LPD	
7. CIVILIAN ATTORNEY ISSUES. GOALS 1, 2, AND 4.	A. FEDERAL GOV'T RESTRUCTURING ACT, HIGH GRADE REDUCTIONS/FREEZES, CG STREAMLINING, DOT RESTRUCTURING, etc. IMPACTS GRADING POSITIONS OF CG CIVILIAN ATTORNEYS.	G-LPD	

OFFICE OF CHIEF COUNSEL UNITED STATES COAST GUARD  
LEGAL PROGRAM BUSINESS PLAN 1995 (cont.)

<u>ISSUE</u>	<u>G-L PROGRAM ACTION/POLICY</u>	<u>TASKING LEAD</u>	<u>STATUS/PROGRESS</u>
	<p>B. "HIRING OFFICIAL" SHOULD WORK WITH SERVICING CIVILIAN PERSONNEL OFFICES AND DISSEMINATE VACANCY ANNOUNCEMENTS THROUGHOUT THE LAW FIRM TO FOSTER "PROMOTIONS FROM WITHIN".</p> <p>C. ENCOURAGE AND FACILITATE DIVERSIFIED EXPERIENCE FOR CIVILIAN ATTORNEYS, INCLUDING OPPORTUNITIES FOR EMPLOYMENT IN THE PRACTICE OF LAW WITH OTHER GOV'T AGENCIES, MODES, DIVISIONS, etc. WHERE POSSIBLE.</p> <p>D. PROMOTE MONETARY AND NON-MONETARY RECOGNITION FOR CIVILIANS.</p> <p>E. CIVILIAN ATTORNEYS AT HQ AND IN THE FIELD ARE ELIGIBLE FOR ADVANCED EDUCATIONAL OPPORTUNITIES (e.g. LLMS) AS FULL MEMBERS OF THE LAW FIRM.</p> <p>F. PUBLISH/DEVELOP/INCORPORATE THESE CONCEPTS INTO APPROPRIATE POLICY GUIDANCE OR A CIVILIAN "PHILOSOPHY OF LIFE" DOCUMENT.</p>		COMPLETED 5/95
8. LEGAL YEOMAN ISSUES. GOALS 1, 2, AND 4.	A. CHARTER A QAT WITH MEMBERS FROM G-P, MPC-epm, G-LPD, FIELD LEGAL OFFICES (YN), ETC. TO RESOLVE ALL OF THE ISSUES IDENTIFIED AT THE 1994 LEGAL OFFICERS CONFERENCE.		
9. DEVELOP CG-DOD SERVICES MOU ON LEGAL ASSISTANCE. GOALS 1 AND 4.	A. THIS ISSUE HAS EVOLVED TO A PROPOSED "JOINT-SERVICE COMMITTEE ON LEGAL ASSISTANCE" MOA WHICH IS READY FOR SIGNATURE.		COMPLETED 4/95

Enclosure (4) to COMDTINST 5800.6

OFFICE OF CHIEF COUNSEL UNITED STATES COAST GUARD  
LEGAL PROGRAM BUSINESS PLAN 1995 (cont.)

ISSUE	G-L PROGRAM ACTION/POLICY	TASKING LEAD	STATUS/PROGRESS
	B. AMEND COMDTINST TO INCLUDE THE "JOINT-SERVICE COMMITTEE ON LEGAL ASSISTANCE" MOA WHEN SIGNED.		
	C. AMEND COMDTINST TO INCLUDE THE JOINT-SERVICE MOU ON MILITARY POWERS OF ATTORNEY.		
10. USE OF CG RESERVE FOR LEGAL ASSISTANCE. GOALS 1, 2, AND 4.	A. DEVELOP A PROGRAM/PROMULGATE A DIRECTIVE TO USE RESERVE ATTORNEYS TO MEET LEGAL ASSISTANCE DEMAND (E.G. D8(d1)'s RESERVE INTEGRATION AND USE OF RPAL's).	G-LPD	
	B. G-L MEETING WITH G-R TO INTEGRATE USCGR ATTORNEYS INTO LEGAL ASSISTANCE PROGRAM.		
11. LEGAL ASSISTANCE RESOURCES. GOALS 1 AND 4.	A. CONTINUE TO SEEK LEGAL ASSISTANCE RESOURCES WITH RCPs, ETC.	G-LPD G-L	
	B. CONTINUE TO WORK WITH G-PWL/G-CCS TO CONVERT \$440K WORK-LIFE RECURRING FUNDS TO LEGAL ASSISTANCE BILLETS.		
12. ALLOW OUT-OF-SPECIALTY ATTORNEYS TO PROVIDE LEGAL ASSISTANCE. GOALS 1 AND 4.	A. AMEND COMDTINST TO PERMIT "OUT-OF-SPECIALTY" ATTORNEYS WHO ARE "REASONABLY/VOLUNTARILY AVAILABLE" TO PROVIDE LEGAL ASSISTANCE (INCL: OVERSIGHT, QUALITY, SUPPORTABILITY, LINKAGE WITH LOCAL LEGAL OFFICES, ETC.)	G-LPD	
	B. SUPPORT COMDTINST AMENDMENT WITH PERIODIC "FLAG-TO-FLAG" LETTERS.		

OFFICE OF CHIEF COUNSEL UNITED STATES COAST GUARD  
LEGAL PROGRAM BUSINESS PLAN 1995 (cont.)

<u>ISSUE</u>	<u>G-L PROGRAM ACTION/POLICY</u>	<u>TASKING LEAD</u>	<u>STATUS/PROGRESS</u>
13. SURVEY NEED/ DEMAND FOR LEGAL ASSISTANCE. GOALS 1 AND 7.	A. CONTINUE LIAISON/SURVEYS WITH G-PWL AS NEEDED.	G-LPD	
14. USE OF CG AUXILIARY FOR LEGAL ASSISTANCE. GOALS 1, 4, AND 7.	A. STUDY & PROPOSE GUIDELINES/BOUNDARIES/ SUPERVISION IAW LEGAL ASSISTANCE STATUTE FOR THE USE OF THE CG AUXILIARY FOR LEGAL ASSISTANCE.  B. DEVELOP A PROGRAM/PROMULGATE A DIREC- TIVE.	G-LGL G-LCL G-LPD  G-LPD	
15. CONTINUOUS IMPROVEMENT OF LEGAL ASSISTANCE PROCESSES. GOALS 1, 4, AND 7.	A. AMEND COMDTINST TO REQUIRE "PROCESS REVIEWS" AND "CONTINUOUS IMPROVEMENT".  B. DEVELOP/PROVIDE A "SERVICE MEMBERS LEGAL ASSISTANCE GUIDE". OBTAIN FUNDING.	G-LPD	
16. LEGAL PROGRAM ORGANIZATION: FIELD LEGAL OFFICES /ORGANIZATION. GOALS 1, 3, AND 7.	A. THIS ISSUE WILL BE INCORPORATED INTO G-L'S "FIELD STREAMLINING THE CG" EFFORTS AND GENERALLY DEFERRED PENDING STREAMLIN- ING OUTCOME. PUBLISH A "FIELD LEGAL SER- VICES MANUAL" AFTER STREAMLINING. UPDATE CG ORGANIZATION MANUAL AFTER STREAMLINING. WORKLOAD ALLOCATION IS A MATTER FOR LOCAL MANAGERIAL DISCRETION, BUT GOOD IDEAS SHOULD BE CIRCULATED THROUGHOUT THE LAW FIRM FOR INFORMATION/CONSIDERATION.	G-LPD	
17. LEGAL PROGRAM ORGANIZATION:	A. THIS ISSUE WILL BE INCORPORATED INTO G-L'S "HQ STREAMLINING" EFFORTS AND GENER-	G-LPD	



Enclosure (4) to COMDTINST 5800.6

OFFICE OF CHIEF COUNSEL UNITED STATES COAST GUARD  
LEGAL PROGRAM BUSINESS PLAN 1995 (cont.)

ISSUE	G-L PROGRAM ACTION/POLICY	TASKING LEAD	STATUS/PROGRESS
OFFICE OF THE CHIEF COUNSEL. GOALS 1, 3, AND 7.	ALLY DEFERRED PENDING STREAMLINING OUT-COME. ADDITIONAL G-L BILLETS WILL BE REQUESTED AS NEEDED. PUBLISH A "HQ LEGAL SERVICES MANUAL" AFTER STREAMLINING. UPDATE CG ORGANIZATION MANUAL AFTER STREAMLINING. ESTABLISH A G-L "OUTREACH PROGRAM" TO IMPROVE ATTORNEY-CLIENT RELATIONSHIPS. CONSIDER COMMUNICATIONS AND LEADERSHIP TRAINING.	G-LPD	
18. HQ ORGANIZATION. GOALS 1 & 3.	A. THIS ISSUE HAS LARGELY BEEN OVERTAKEN BY THE "HQ STREAMLINING" STUDY AND THE "SENIOR MANAGEMENT WORKING GROUP" PROJECT. IT PENDING FURTHER DEVELOPMENT AS HQ STREAMLINING EVOLVES.	G-LPD	
19. FEDERAL REGULATORY COMPLIANCE. GOAL 4. COMDT'S EBP MILESTONE 4-3-B: G-L ASSISTS G-M.	A. INCREASE THE NUMBER OF BUSINESSES AFFECTED BY CG REGULATIONS WHICH EFFECTIVELY BECOME "PARTNERS" IN GOVERNMENT BECAUSE THEIR GOALS ARE ALIGNED WITH OUR GOALS.  B. DECREASE THE NUMBER OF VIOLATORS THROUGH INCREASED PROSECUTION AND PENALTIES.	G-LMI	
20. BE A LEADER IN NATION BUILDING EFFORTS. GOAL 4. COMDT'S EBP MILESTONE 4-3-C: G-L ASSISTS G-CV.	A. INCREASE INTERNATIONAL ACCEPTANCE OF CG PRACTICES, STANDARDS AND PROCEDURES.  B. INCREASE NUMBER OF REQUESTS MADE BY HOST NATIONS FOR CG ACTIVITIES.  C. DEVELOPING/EMERGING NATIONS SHOW INTEREST IN ADAPTING AND/OR MODIFYING FOR THEIR USE THE COAST GUARD'S "STATUTORY FRAMEWORK FOR ESTABLISHING A NAVY WITH	G-LMI G-LRA	

OFFICE OF CHIEF COUNSEL UNITED STATES COAST GUARD  
LEGAL PROGRAM BUSINESS PLAN 1995 (cont.)

<u>ISSUE</u>	<u>G-L PROGRAM ACTION/POLICY</u>	<u>TASKING LEAD</u>	<u>STATUS/PROGRESS</u>
	NATIONAL SECURITY AND LAW ENFORCEMENT MISSIONS." NOTE: G-L'S DEVELOPMENT OF THE MODEL MARITIME CODE AND TRAINING (e.g. ALBANIA).		
21. EXTEND THE US LEAD ROLE IN INTERNATIONAL ORGANIZATIONS (IMO, IALA, etc.). GOAL 5. COMDT'S EBP MILESTONE 5-3-A: G-L ASSIST G-CV.	<p>A. INCREASE US REPRESENTATION IN KEY POSITIONS.</p> <p>B. INCREASE NUMBER OF TECHNICAL INITIATIVES PROPOSED OR BEING DEVELOPED AND PERCENTAGE OF INITIATIVES PROPOSED AND ADOPTED.</p> <p>C. INCREASE INTERNATIONAL REQUESTS FOR USCG TECHNICAL ASSISTANCE.</p> <p>D. INCREASE USE OF US PROPOSALS/PRACTICES BY OTHER NATIONS.</p>	G-LMI	
22. ENSURE COAST GUARD ACTIVITIES COMPLY WITH REQUIRED ENVIRONMENTAL STANDARDS. GOAL 5. COMDT'S EBP MILESTONE 5-2-C: G-L ASSISTS G-E.	<p>A. DECREASE CG VIOLATION OF REGULATIONS.</p> <p>B. EXPAND PRESS COVERAGE OF CG COMPLIANCE EFFORTS.</p> <p>C. ENSURE FACILITIES ARE IN FULL COMPLIANCE.</p>	G-LEL	
23. IMPLEMENT MARITIME REGULATORY REFORM. GOAL 5. COMDT'S EBP MILESTONE 5-2-D: G-L ASSISTS G-M.	A. ADOPT INTERNATIONAL STANDARDS AND CONVENTIONS AND DELETE UNNECESSARY OR REDUNDANT US MARITIME REGULATIONS.	G-LRA G-LMI	
24. SPONSOR ENVIRONMENTAL SUMMITS/ FORA & INTER-	A. ENSURE INTERNATIONAL AGREEMENTS ARE IN PLACE THAT ASSIST ACCOMPLISHMENT OF MILESTONE.	G-LMI	

Enclosure (4) to COMDTINST 5800.6

OFFICE OF CHIEF COUNSEL UNITED STATES COAST GUARD  
LEGAL PROGRAM BUSINESS PLAN 1995 (cont.)

<i>ISSUE</i>	<i>G-L PROGRAM ACTION/POLICY</i>	<i>TASKING LEAD</i>	<i>STATUS/PROGRESS</i>
NATIONAL AGREEMENTS TO FURTHER NATIONAL POLICIES & IMPROVE LINKAGES WITH ENVIRONMENTAL PROGRAM STAKEHOLDERS. GOAL 5. COMDT'S EBP MILESTONE 5-3-B: G-L ASSIST G-M.	B. MAXIMIZE USE OF COALITION TO FURTHER US INITIATIVES.  C. INCREASE NUMBER OF SUMMIT AGREEMENTS INCORPORATED INTO AGENCIES' POLICIES.  D. INCREASE STAKEHOLDER SATISFACTION WITH THE PROCESS OF PROGRAM DEVELOPMENT/MANAGEMENT.		
25. PROMOTE MULTI-NATIONAL EFFORTS TO COMBAT ILLICIT DRUG SMUGGLING BY SEA. GOAL 5. COMDT'S EBP MILESTONE 5-4-C: G-L ASSISTS G-O.	A. ACHIEVE BROAD-BASED IMPLEMENTATION OF THE ARTICLES OF THE UN CONVENTION AGAINST ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES OF 1988 RELATING TO ILLICIT TRAFFIC BY SEA.	G-LMI	
26. PROVIDE A FRAMEWORK FOR CONDUCTING R&D THAT IS ALLIGNED WITH/LINKED TO STRATEGIC GOALS & BUSINESS OBJECTIVES OF THE CG. GOAL 8. COMDT'S EBP MILESTONE 8-1-A: G-L ASSISTS G-E.	A. LINK ALL R&D PROJECTS TO CG/DOT GOALS.  B. INTEGRATE THE R&D PROCESS INTO SPPBEES.	G-LPL G-LEL G-LGL G-LPD	
27. DEVELOP STRONG DISASTER AND DISTRESS ASSESSMENT CAPABILITIES. GOAL 8. COMDT'S EBP MILESTONE 8-1-B: G-L ASSISTS G-E.	A. INCORPORATE INFORMATION FROM ASSESSMENT CAPABILITIES INTO PLANS (RESPONSE, CONTINGENCY, ACTION PLANS, etc.).  B. REDUCE EMERGENCY RESPONSE TIME.	G-LMI	